

## REPORT TO LICENSING COMMITTEE



<b>DATE</b>	<b>15<sup>th</sup> June 2017</b>
<b>PORTFOLIO</b>	<b>Environment</b>
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### Amendments to Taxi Licensing – Policy Guidelines to Fitness and Propriety Including Convictions and Other Relevant Information.

#### PURPOSE

1. To consider the adoption of new policy guidelines that need to be considered when determining whether new applicants or current drivers are 'fit and proper' persons.

#### RECOMMENDATION

2. That Licensing Committee approves the new policy guidelines as set out in this report

#### REASONS FOR RECOMMENDATION

- 3 To ensure that the Council Policy is aligned to the Local Government Association's (LGA) 'Example Taxi and PHV Licensing Criminal Convictions' Policy' which was published on 22<sup>nd</sup> March 2017, which supports strong safeguarding principles.

#### SUMMARY OF KEY POINTS

- 4 The LGA has recently published an Example Taxi and PHV Licensing Criminal Convictions Policy which is effectively a best practice guide that councils may take into account when reviewing their convictions policies.
- 5 Burnley Council's current policy was revised in 2016 and is based on a policy adopted regionally via the Association of Greater Manchester Authorities (AGMA). The AGMA policy is closely aligned to the new LGA guidance. In certain cases the Burnley policy is more robust reflecting Members previous decisions. Recognising public safety as a principal licensing objective, and supporting the need to adopt consistent taxi licensing policy across a broader footprint, the current policy has been reviewed and strengthened to reflect LGA guidance where appropriate. The revised policy is attached at Appendix 'A' and to assist members there is also a 'track changes' version attached at Appendix 'B'.
- 6 The overriding aim of the Council is to protect the safety of the public. The Council is

committed to ensure:

- That a person is a fit and proper person.
- That the person does not pose a threat to the public.
- That the public are safeguarded from dishonest persons.
- The safeguarding of children, young persons and vulnerable adults.

- 7 The proposed policy provides guidance to any person with an interest in public and private hire licensing including:
- Applicants for new licenses
  - Existing licensed holders whose licences are being reviewed or renewed
  - Licensing officers
  - Members of the licensing committee (or other relevant decision making body)
  - Magistrates hearing appeals against local authority decisions.

The convictions policy particularly helps Members and officers to be consistent when considering whether or not an applicant or an existing licence holder is a fit and proper person to hold a licence.

- 8 Burnley is the first Council locally to consider adopting the updated LGA guidelines. It would be proportionate to apply the new guidelines for new applicants immediately and for existing drivers on renewal (though reserving the right to apply the updated policy to existing drivers before renewal in appropriate circumstances).

#### **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

- 9 None

#### **POLICY IMPLICATIONS**

- 10 Determination of hackney carriage and private hire driver's and operator's licences is the responsibility of the Licensing Committee

#### **DETAILS OF CONSULTATION**

- 11 Lancashire Constabulary

#### **BACKGROUND PAPERS**

- 12 Local Government Association's (LGA) 'Example Taxi and PHV Licensing Criminal Convictions' Policy'. March 2017

#### **FURTHER INFORMATION**

**PLEASE CONTACT:**

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**ALSO:**

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