

Report to the Environment and Licensing Committee

Subject: Amendment of the Statement of Policy and Guidelines for the consideration of applications for Hackney Carriage/Private Hire Drivers and Private Hire Operators

Date: 15th October 2013

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Wards Affected

Borough-wide

Purpose

The Licensing Section and Legal Services have reviewed the policy in consultation with the Chair and Vice Chair. Attached at Appendix 1 is the revised document which includes the changes that are being proposed.

Key Decision

This is not a Key Decision

Background

Members are reminded that the above policy was last reviewed and approved in December 2011.

Proposals

A table giving a summary of the main changes is set out below:

Page	Section	Current Policy/Amendment	Reason
1.	Title	Change of name	To reflect that the policy contains guidance on matters other than just applications (e.g. revocations, suspensions, complaints)
2.	Delegations and referral to Committee	Note: Definition of conviction Paragraph 3 – change to delegations to Corporate Director	To clarify the definition of a conviction. To include in the policy the situations where a licensed taxi driver has his DVLA licence revoked within the probationary period – this is not addressed in the current policy

		Paragraph 5 – change to reflect change to paragraph 3 above	To ensure consistency
5.	General Guidance and Policy	Paragraph 20 – move to paragraph 2	To reflect the seriousness with which the Committee view the failure to disclose convictions
11	Guidelines relating to the relevance of convictions	Paragraph 6 – ‘move to paragraph 1	To ensure that it is clear in the subsequent paragraphs that the word ‘convictions’ includes cautions, reprimands and fixed penalties.
13/14	As above	Paragraph 8(b) - Violence – change of heading ; in section i) delete culpable homicide whilst driving; in section iii) include reference to battery	To make it clear that these include attempts and conspiracy to the main offences; new section added later in policy dealing with driving offences which result in death; to clarify that battery offences are dealt with under this heading (not mentioned in existing policy).
15	As above	Paragraph 8 (c) - drugs – section redrafted	To differentiate different levels of convictions for drugs – current policy provides a blanket refusal unless 5 years free form conviction – this proposes a lower 3-5 years free where there is an isolated offence (consideration still has to be given to the amount of drugs involved and whether they are for self or supply).
17	As above	New paragraph 8(f)(i) – Driving offences involving loss of life	In the current policy, these are dealt with as all other major traffic offences – the new section proposes dealing more severely with cases where the action has resulted in loss of life i.e. 7 years free of conviction
19	As above	New paragraph 8(iv)(b) – minor traffic offences within the probationary period	Cross refer to number 2 above – to explain the circumstances when a licence will be revoked, and how a driver’s application will be dealt with once his licence is reinstated.

22	As above	New paragraph 8(j) – complaints about a driver’s standards or conduct	To provide information and guidance for the rare circumstances when a driver is brought before committee because of complaint/s from the public/other driver (and has not been prosecuted)
27-32	Appendix II, III and IV	Appendices to include new motoring convictions and the range of penalty points applicable	To assist Members
	Whole Document	References to ‘Chairman’ and ‘Vice-Chairman’ amended to ‘Chair’ and ‘Vice-Chair’ respectively Any reference to offence(s) has been amended, where appropriate, to conviction(s)	To reflect the wishes of the Chair and Vice Chair. For clarification when considering the time elapsed from the date of conviction

Financial Implications

None

Appendices

Appendix 1 – Amended policy document

Background Papers

None

Recommendations

To approve the amendments to the Statement of Policy and Guidelines for the Licensing of Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators with immediate effect.

Reasons for Recommendations

As listed in the above table.