

## **Report to the Environment and Licensing Committee**

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

**Date:** 9<sup>th</sup> February 2016

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Director

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### **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. Members are asked to:

1. Approve the proposed Policy prior to it being sent out for consultation. It is intended that the consultation close on 14<sup>th</sup> March 2016 and the final policy (with any necessary changes as a result of responses to the consultation) will be adopted

### **Background**

The Local Government (Miscellaneous Provisions) Act 1976 (“the Act”) enables Local Authorities to administer licences for Hackney Carriage and Private Hire drivers. The Act provides that a Local Authority shall not grant a licence unless they are satisfied that the applicant is a ‘fit and proper’ person to hold such a licence. There is no definition of the term ‘fit and proper’ and the Council can apply any tests and checks it deems appropriate to establish this.

Gedling Borough Council has a duty under the Children Act 1989 and Children Act 2004, and subsequent amendments, to safeguard and promote the welfare of children. Further, under the Care Act (2014) the authority has a duty to respond to safeguarding vulnerable adults, the definition of which includes domestic abuse survivors.

Recent high profile Serious Case Reviews, Domestic Homicide Reviews and Independent Inquiries including the Jay Report; Independent Inquiry into Child Sexual Exploitation in Rotherham (1997 – 2013) have further focused the attention of agencies and organisations towards a breadth of safeguarding issues.

### **Proposals**

It is proposed that all new applicants are required to attend Safeguarding Training and pass a short test as part of the application process, and every third year thereafter as part of the renewal application. All existing drivers are required to undertake the training and pass the test at first renewal after 1 April 2016, and every 3rd year as part of their renewal application. The reason for the test is public safety; any driver who fails the test has not reached the required standard for safety. Changes have been made to section on page 2 ( section 12) of the Policy.

## **Financial Implications**

A separate report is being presented detailing fees for the new licences.

## **Appendices**

Appendix 1, Amended policy document

Appendix 2, Equality Impact Assessment

## **Background Papers**

None

## **Recommendations**

- That, subject to the approval of the introduction of Safeguarding Awareness session with test, 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 for consultation with the Hackney Carriage and Private Hire trade.
- That the Corporate Director in consultation with the Chair of Environment and Licensing Committee be authorised to agree the final Policy after taking into account any comments received during the consultation period.