

Institute of Licensing – Creation of Guidelines on how to treat taxi applicants with convictions

Submitted by: Head of Environmental Health/Licensing Administration Team Manager

Portfolio: Finance & Resources

Wards Affected: All

Purpose of the Report

To notify the Committee of the model Convictions Guidelines created by the Institute of Licensing alongside the Local Government Association, Lawyers in Local Government and National Association of Licensing Enforcement Officers.

Recommendations

That the Committee note the document.

1. Background

1.1. The Institute of Licensing (IoL) is an organisation whose members are made up of professional licensing practitioners and organisations that have an interest or responsibility in relation to any aspect of Licensing. The IoL holds various training courses throughout the year and provides assistance and guidance to officers and authorities in respect of licensing matters.

2. Issues

2.1. There is no statutory guidance on how local authorities should approach the licensing of taxi drivers, vehicles or operators. Local authorities have the powers to set policies, conditions and guidance documents in relation to taxi licensing but each Council does so separately which has led to a range of standards being implemented across the Country.

2.2. The IoL have identified a particular area of concern around the variance between the nature, number and frequency of convictions that different local authorities are prepared to allow drivers to have when considering whether to grant/renew licences. It was also highlighted that very few authorities make any kind of criminal record check on vehicle proprietors or private hire operators.

2.3. In 2016 the IoL sought to create a model set of conviction guidelines that local authorities could choose to adopt with the aim of improving the consistency of decisions across the Country. For a long time it has been a concern amongst local authorities that a driver could be refused a licence by one Council but then apply to a neighbouring authority, be granted a licence and then come back to work in the area in which they were refused.

2.4. In April 2018 the IoL published their “*Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades*” which had been produced in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and National Association of Licensing Enforcement Officers (NALEO). A copy of the guidance is attached as **Appendix A**.

2.5. The Guidance is made up of an introduction of how the IoL came to produce the document and what considerations they made in doing so, an overview of offenders and

offending, an overview of the taxi licensing regime as it stands, and a section on how applications where the individual has convictions should be determined.

3. Recommendation

3.1 That Members note the IoL Guidance document.

4. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

4.1 Creating a cleaner, safer and sustainable Borough
A Borough of Opportunity
Creating a healthy and active community, and
Becoming a Co-operative Council delivering high quality, community driven services

5. Legal and Statutory Implications

5.1. N/A

6. Sustainability and Climate Change Implications

6.1. N/A

7. Background Papers

1.1 N/A