

	<b>Regulatory and Licensing Committee</b> <b>June 2014</b>	<b>Agenda Item No.</b> <b>6</b>
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<b>Title</b>	
<b>For further information about this report please contact</b>	Marianne Rolfe, Regulatory Manager, Health and Community Protection. 01926 456320 Marianne.rolfe@warwickdc.gov.uk
<b>Wards of the District directly affected</b>	All
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No
<b>Date and meeting when issue was last considered and relevant minute number</b>	
<b>Background Papers</b>	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality and Sustainability Impact Assessment Undertaken</b>	Yes

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service		Richard Hall
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		Michael Coker
<b>Consultation &amp; Community Engagement</b>		
<p>Consultation has taken place with the Licensed Private Hire Drivers, Hackney carriage Drivers and Private Hire Operators and Warwickshire police through the Taxi Drivers and Operators Forum. This forum has been established specifically to allow consultation with the Taxi Trade and each member of the forum has been nominated by other members of the trade to represent them.</p>		
<b>Final Decision?</b>	No	
<b>Suggested next steps (if not final decision please set out below)</b>		
<p>The report recommends consultation before a report is brought back for a decision</p>		

## 1. **SUMMARY**

- 1.1 To present the reviewed Convictions and Cautions Policy which is applicable to Drivers of Hackney Carriages and Private Hire Taxi Drivers.

## 2. **RECOMMENDATION**

- 2.1 That the committee note the proposed draft policy and support the proposal to consult on it.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 It has come to the attention of Officers that the Convictions and Cautions Policy, against which all new applicants and renewal applicants for a Hackney Carriage and Private Hire Driver's License are assessed, is set at a level below the requirements outlined by all of the neighbouring authorities' policies.
- 3.2 The policy has been discussed at the newly formed Taxi Drivers and Operators Forum on the 5<sup>th</sup> June 2014 and the draft policy will be discussed again at the next Forum meeting on the 18<sup>th</sup> August 2014.
- 3.3 The changes to the policy are wide ranging and are designed to ensure the safety of the general public by ensuring that the applicants and renewing drivers are fit and proper.
- 3.4 The existing Policy (Appendix 1) and the amended Policy (Appendix 2) are attached to this report.

## 4. **POLICY FRAMEWORK**

- 4.1 This will not change the policy framework, merely the Convictions and Cautions Policy for Hackney Carriage and Private Hire (HC/PH) drivers and new applicants for a HC/PH Driver's License.
- 4.2 **Fit for the Future**
- 4.3 Contents of Policy provide guidance, consistency, best practices, transparency, proportionality and promote safety and wellbeing to the community. This contributes to making it a great place to work, live and visit.

## 5. **BUDGETARY FRAMEWORK**

- 5.1 There are no budgetary implications resulting from the change of policy.

## 6. **RISKS**

- 6.1 There may be a small number of existing drivers who will not meet the new policy standard. These drivers would, as with all applicants be given the option to be heard by to the committee upon renewal of their licenses.
- 6.2 Should they choose to make representations, this may create an initial increase in the number of applicants/existing drivers being referred for a hearing.

6.3 It would then be for the committee to decide if it is appropriate to deviate from the policy and grant the existing license holder a renewal based on the merits of each case.

## **7. ALTERNATIVE OPTION(S) CONSIDERED**

7.1 We could choose to leave the policy as it is. However, it is considered that our policy is out of step with those of our neighbouring authorities. This has the potential for lower standards of behaviour and competence of drivers in our district.

## **8. BACKGROUND**

8.1 The current policy is used for the assessment of every new applicant and renewal applications for Hackney Carriage and Private Hire Driver's Licenses.

8.2 The current WDC policy is not as stringent as neighbouring authorities' policies. This means that, in terms of a person's history and the applicant being considered a 'fit and proper' person, our measure is considerably lower.

8.3 Applicants at the committee and in communications with officers have stated that the reason that they have applied to be a taxi driver in the WDC area is that it is easier to get a license with WDC.

8.4 All of the policies that apply to the assessment and operation of the Taxis trade with WDC are under review. This is to address the concerns of the officers, general public and councillors. The review will ensure that the policies are robust and as a minimum in line with our neighbouring authorities.

8.5 The current policy has many grey areas which do not assist officers, or the committee, in assessing applicants or renewal of existing driver suitability. The review of the policy should make these areas clearer and direct attention towards an assessment of a driver in order to demonstrate that they are a 'fit and proper person' namely:

- Would you trust this person with your son/daughter, mother/father, grand parent, sister/brother or another vulnerable person?
- Would you trust this person with sensitive information? That you are on holiday? That the house is empty? That parents don't get home for a couple of hours?

8.6 The Driver and Operators Forum were consulted on their opinions as to what standards the policy should set. They agreed at the initial meeting on the 5<sup>th</sup> June 2014:

- They were not happy with the current policy
- The reviewed policy should be, as a minimum, equivalent to the neighbouring authorities.
- The following offences should result in an automatic refusal for an application
  - Drug and Drink Related
  - Sexual
  - Dishonesty
  - Insurance
- Violence offences as they were so wide ranging should be assessed on a scale based upon type and age.

- The acceptable number of Penalty points on a driving license should be reduced to 6 points for new applicants.

- 8.7 Legal opinion has been obtained throughout the drafting of the proposed policy.
- 8.8 The proposed new policy will require a minimum period free from conviction. In addition should a driver have more than one conviction, the minimum period free from conviction will have to be assessed on a case by case basis, to see if it remains appropriate.
- 8.9 The consultation period closes on the 18<sup>th</sup> August 2014. Following which the comments received will be reviewed and amendments made to the policy where appropriate.
- 8.10 Officers are continuing to review the other conditions and policies associated with Hackney Carriage and Private Hire activities. This policy will in the longer term be incorporated into a larger document containing all of the associated policies.