

ORIGINATING SECTION: PUBLIC PROTECTION UNIT

REPORT TO: LICENSING COMMITTEE – 19 July 2022

TITLE: Revised Convictions Policy – Consultation responses

1. PURPOSE

The purpose of this report is to present the outcome of the recent consultation exercise with the trade and other stakeholders, for members to consider.

2. RECOMMENDATIONS

- 2.1 That members decide whether they wish to amend the revised draft policy as a result of the consultation (**Appendix 1**).
- 2.2 That members agree the content of the draft policy and recommended it to the Executive Member for adoption.

3. KEY ISSUES

- 3.1 The Department for Transport (DfT) published Statutory Standards for Private Hire and Hackney Carriage Vehicles in the summer of 2020, which included recommendations on the assessment of previous convictions.
- 3.2 The Statutory Standards clarify that the suggested timescales for offences “should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The DfT’s view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application”.
- 3.3 “Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**”
- 3.4 Having regard to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot**

be overstated. It is not a question of box ticking; the standards must be considered rigorously and with an open mind.

- 3.5 Blackburn with Darwen's current policy was originally agreed as part of the Public Protection Partnership in 2012, by the ten Greater Manchester licensing authorities and Blackburn with Darwen Council. It has been kept under review with the most recent update being in December 2016
- 3.6 The revised draft policy was considered by this Committee in April when members resolved to undertake a public consultation exercise. This took place between 25 May 2022 and 1 July 2022.
- 3.7 **Appendix 2** is a copy of the letter sent to consultees, whilst drivers who we had up to date telephone numbers for, were sent a text message using Gov.Notify.
- 3.8 1,290 text messages were sent out to the mobile numbers provided by licensed drivers and we received confirmation from Gov.Notify that 1,009 were successfully delivered. The text message advised that the Council was consulting on a revised policy and provided a link to the webpage where they could get more information, download the draft policy and submit any comments to the Licensing Team.
- 3.9 At the close of the consultation period only one response had been submitted and that was from Cllr. Julie Slater endorsing the policy.
- 3.10 Ongoing discussions between Licensing officers and the Council's solicitors have identified 2 suggested amendments to the draft policy for members to consider.
- 3.11 These are section 18.1 revised wording to make it clear that circumstances that would result in a refusal to grant a licence, would also result in an existing licence being revoked.
- 3.12 Section 21.2 revised wording to make it clear that the right of appeal also applies to the imposition of conditions onto a licence.
- 3.13 There have been no other responses to the consultation or comments submitted to the Licensing Team.

4. POLICY IMPLICATIONS

Once adopted, members must have regard to the revised policy when determining private hire and hackney carriage applications and reviews.

5. FINANCIAL IMPLICATIONS

The costs incurred as part of the consultation process are accounted for in the discretionary fees charged for driver licences.

6. LEGAL IMPLICATIONS

The Department for Transport published the Statutory Standards in 2020 with a requirement to review and revise policies and practices to implement the new standards unless there is a compelling local reason not to. However, the revised policy is not immutable, and every case must be considered on its own merits.

7. RESOURCE IMPLICATIONS

Existing staff in the Public Protection Service will implement the revised policy once it has been formally adopted.

8. CONSULTATIONS

A six week public consultation exercise was undertaken with existing licence holders and other stakeholders representing over 1,400 individuals, businesses and organisations in the Borough. **Appendix 3** is a summary list of the consultees.

9. CONTACT OFFICER

Niky Barrett, Principal Licensing Officer

4 July 2022