

**Report of the Service Director to the
General Licensing Regulatory Board
to be held on the 19 December 2018**

Criminal Convictions Policy Update

1. Purpose of Report

The purpose of this report, is to inform Members and seek approval to amend section 6 of the Council Convictions policy which specifically addresses re-applications for a Private Hire and Hackney Carriage drivers licence following refusal or revocation.

2. Background

In February 2013, Council approved revised guidelines to help Members to consider Private Hire and Hackney Carriage driver applications where criminal convictions are involved.

3. Current Position

Section 6 of the current policy states that:

6 Re-application following refusal or revocation

Where a Licence has been refused or revoked by the Council (or another Local Authority) a further application will normally be refused if received within one year from the date of the refusal/revocation, as it will be deemed that the persons circumstances will not have changed significantly within that period to make them 'fit and proper'.

The process of issuing an immediate revocation to a Private Hire or Hackney Carriage driver is only exercised in the most extreme circumstances.

Where there is deemed to be an immediate danger to the public, Officers must act immediately in the interests of public safety.

The current required time stipulated before re-application does not support the severity and seriousness of a revocation and the work of Officers and Elected Members when dealing with such serious cases.

The current convictions policy recommends that one year should have elapsed before a re-application can be made following a revocation.

In line with the current policy it has become apparent that a period of one year is not a significant amount of time for someone who was subject to a revocation to have changed their personal circumstances to such an extent that Officers can be satisfied they are fit and proper to hold a licence. Applicants need to be able to confidently prove that they have changed significantly and show adequate evidence that they are fit and proper in order to comply with the policy and a time scale of one year does not allow for such provision.

4. Proposal

To immediately revoke is defined as:

To take back something for an indefinite period of time

Our convictions policy needs to reflect the severity of an immediate revocation and support the work of Licensing Officers and Elected Members.

The policy also needs to allow sufficient time for re-applicants to change their circumstances and actively prove to Officers that they are fit and proper.

As such Members are asked to approve the amendment to section 6 of the Council guideline policy to read:

6 Re-application following refusal or revocation

Where a Licence has been refused or revoked by the Council (or another Local Authority) a further application will be refused if received within

five years from the date of the refusal/revocation, as it will be deemed that the persons circumstances will not have changed significantly within that period to make them 'fit and proper'.

5. Recommendation

The Members approve the amendment to section 6 of the Councils Convictions Policy.

6. Officer Contact

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