

To: General Purposes Licensing Committee
Date: 2nd December 2021
Report of: Head of Regulatory Services and Community Safety
Title of Report: Review of the Policy on The Relevance of Warnings, Offences, Cautions and Conviction

| Summary and recommendations | |
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| Purpose of report: | To agree the revised Policy on The Relevance of Warnings, Offences, Cautions and Convictions for public consultation (Taxi Licensing) |
| Corporate Priority | Vibrant Sustainable Economy |
| Policy Framework | Policy on The Relevance of Warnings, Offences, Cautions and Convictions |
| Recommendation(s): That the General Purposes Licensing Committee resolves to resolve to: | |
| <ol style="list-style-type: none"> 1. Consider the report and the revised Policy on The Relevance Of Warnings, Offences, Cautions And Convictions 2. Agree the revised Policy on The Relevance Of Warnings, Offences, Cautions And Convictions for public consultation 3. Agree the consultation schedule as included in the report | |

| Appendices | |
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| Appendix One | Current Policy on The Relevance of Warnings, Offences, Cautions and Convictions |
| Appendix Two | Department for Transport - Statutory Taxi and Private Hire Vehicle Standards |
| Appendix Three | Revised Policy on The Relevance of Warnings, Offences, Cautions and Convictions |
| Appendix Four | List of the amendments to the Policy |

Introduction and background

1. The Committee is reminded that the Council adopted a Policy on The Relevance of Warnings, Offences, Cautions and Convictions. The policy contains information about legal requirements, government guidance, Council policy, procedures and standards. It has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Acts 1847 and 1889, the Public Health Act 1875 and the Local Government Act 1972 which place on the Council the duty to carry out licensing functions in respect of Hackney Carriage and Private Hire vehicles, drivers and operators.

The current Policy can be found at **Appendix One**.

2. The aim of Local Authority licensing of the Taxi and Private Hire trades is to protect the public. With this in mind, Public Protection must be at the forefront when determining whether an individual is considered a 'fit and proper' person to hold a licence. The Licensing Authority is entitled and bound to treat the safety of the public as the paramount consideration.
3. The Licensing Authority carry out its Hackney Carriage and Private Hire functions with the view to promote the following objectives:
 - The protection of public safety and health;
 - The promotion of a professional and respected Hackney Carriage and Private Hire trade;
 - Access to an efficient, modern and effective transport service;
 - The protection and improvement of the environment, local economy and quality of life.

Revised Policy on the Relevance of Warnings, Offences, Cautions and Convictions

4. The Department for Transport (DfT) has national responsibility for Hackney Carriage and Private Hire legislation in England and Wales and produced best practice guidance for local licensing authorities in March 2010. The DfT guidance states that local authorities will "decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes". The document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances. The DfT has also published the Statutory Taxi and Private Hire Vehicle Standards in July 2020 which focuses on the protection of children and vulnerable adults, as well as benefiting all passengers.

The statutory standards can be found at **Appendix Two**.

5. The Statutory Taxi and Private Hire Vehicle Standards require Licensing Authorities to have regard to the standards set out in the documents. The DfT expects the recommendations to be implemented unless there is a compelling local reason not to, given that the standards have been set directly to address the safeguarding of the public.

6. The Authority had regard to the recommendations set out in the Statutory Taxi and Private Hire Vehicle Standards, the best practice guidance and has taken into account the local environment whilst drafting the revised Policy on The Relevance of Warnings, Offences, Cautions and Convictions.

The revised Policy can be found at **Appendix Three**.

7. In order to assist members in their consideration of the revised policy, the amendments and newly implemented recommendations are set out in **Appendix Four**, which will be included in the consultation documents.
8. Members are advised that the Application Pack documents for drivers, vehicles and operators, which set out the procedure and criteria of licensing shall be revised following the public consultation and amended accordingly to the adopted policy.

Consultation on the Revised Policy on the Relevance of Warnings, Offences, Cautions and Convictions

9. As set out in the Statutory Taxi and Private Hire Vehicle Standards the Licensing Authority should consult at local level on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades' customers.
10. The local consultation shall include the following stakeholders:
 - The Taxi and Private Hire Trade
 - Chief Constable of the Thames Valley Police
 - Oxfordshire Licensing Authorities
 - Oxfordshire County Council Transport Department
 - Night Time Economy
 - General Public - Advertised on the website and Social Media
11. The proposed consultation will be open for six weeks starting in early December 2021. Followed by a report to the General Purposes Licensing Committee to consider consultation responses and approve the final Policy in February 2022.

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