

To: General Purposes Licensing Committee
Date: 17th March 2022
Report of: Head of Regulatory Services and Community Safety
Title of Report: Review of the Policy on The Relevance of Warnings, Offences, Cautions and Convictions

Summary and recommendations	
Purpose of report:	To agree the final Policy on The Relevance of Warnings, Offences, Cautions and Convictions (Taxi Licensing)
Corporate Priority	Enable an Inclusive Economy
Policy Framework	Policy on The Relevance of Warnings, Offences, Cautions and Convictions
Recommendation(s): That the General Purposes Licensing Committee resolves to:	
<ol style="list-style-type: none">1. Consider all relevant responses to the Policy public consultation submitted to the Licensing Authority2. Agree the final Policy on The Relevance Of Warnings, Offences, Cautions And Convictions3. Recommend the final Policy on The Relevance Of Warnings, Offences, Cautions And Convictions for adoption by Council	

Appendices	
Appendix One	Responses to the Public Consultation
Appendix Two	Department for Transport (DfT) - Statutory Taxi and Private Hire Vehicle Standards
Appendix Three	Final 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, procedures and standards in relation to taxi licensing. 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.
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 carries out its Hackney Carriage and Private Hire functions with the view to promoting 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.

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

4. 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.
5. The public consultation took place between 3rd December 2021 and 14th January 2022. The Authority received seventeen (17) responses from members of public and the trade. The relevant responses to the consultation submitted to the Licensing Authority are attached at **Appendix One**.
6. The local public consultation included 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 businesses
 - General public - advertised on the website and social media

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

7. The Department for Transport (DfT) has 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**.

8. 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.
9. The Authority had regard to the recommendations set out in the Statutory Taxi and Private Hire Vehicle Standards and the best practice guidance. The local environment and responses to the public consultation were also considered whilst drafting the final Policy on The Relevance of Warnings, Offences, Cautions and Convictions.

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

10. In order to assist members in their consideration of the final policy, the amendments and newly implemented recommendations which were included in the first draft of the Policy in December 2021 are set out in **Appendix Four**.
11. 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 and amended according to the final version of the adopted policy.

Other relevant matters – HMRC Tax Conditionality

12. Members are requested to note that since the first draft of the revised Policy on the Relevance of Warnings, Offences, Cautions and Convictions was put forward to the members in December 2021, a new requirement has been placed on the Licensing Authorities that forms part of the criteria for licensing.
13. From 4th April 2022, all Hackney Carriage and Private Hire Driver licence holders (PHD and HPD), Private Hire Vehicle Operator licence holders shall be required to complete a HMRC ‘tax check’ and provide the Licensing Authority with a **tax check code** to confirm the tax check has been completed. This requirement has

been placed on the Licensing Authorities as introduced in Schedule 33 of the Finance Act 2021.

14. The Authority is already making necessary arrangements to implement these criteria for licensing internally as well as continues to communicate the new requirement and guidance to the licensed trade. The Application Packs will be updated accordingly with a guidance and new form for the applicants.

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