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<b>REPORT TO:</b>	<b>Environmental and Development Services Committee</b>	<b>AGENDA ITEM: 12</b>
<b>DATE OF MEETING:</b>	<b>18th November 2010</b>	<b>CATEGORY: Recommended</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY SERVICES</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>CARL JACOBS</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Delegated Powers for Private Hire</b>	<b>REF: CBJ/enforcement</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:EDS13</b>

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## **1.0 Recommendations**

- 1.1 To approve the Statement of Policy Concerning the relevance of Criminal Convictions, (Subsequently called the "Statement of Policy") relating to the determination of applications / renewal of Private Hire Drivers Licences, Private Hire Operators. Licences or Proprietors.
- 1.2 To recommend to Council that certain decisions are delegated to the Head of Environmental Services as set out in Annex 1, and recommend that the scheme of delegation to officers is amended appropriately.

## **2.0 Purpose of Report**

- 2.1 To delegate certain enforcement responses in relation to specified offences to the Head of Environmental Services in relation to Private Hire activities in accordance with the Scheme of Delegation to Officers.
- 2.2 To approve a revised draft of "Statement of Policy" relating to the Determination of Applications / Renewal for a Private Hire Vehicle Driver's Licence and Operators licences and Proprietors as indicated at Annex1.

## **3.0 Detail**

- 3.1 The Rehabilitation of Offenders Act 1974 Exceptions (Amendment) Order 1975, specifically allows the Authority to take into consideration all Private Hire Drivers offences, including spent convictions. At present all convictions are considered relevant, despite some being 10 - 15 years old, they must be brought before the Licensing and Appeals Sub Committee, even if it is highly likely the sub committee would consider them irrelevant

- 3.2 The proposed changes to the Councils "Statement of Policy" sets out a framework against which the relevance of Convictions and the time elapsed since they took place can be evaluated. The framework also defines the circumstances in which Officers may approve applications, without referral to the Licensing and Appeals Sub Committee members, if the offences are old or no longer relevant to the proposed occupation.
- 3.3 Officers will fully investigate the offence however long ago, and where there is any question of public safety then the matter would still be referred to the Licensing and Appeals Sub Committee following advice from Legal Services. The proposals are indicated at Annex 1
- 3.4 Where decisions are delegated to Officers, each decision will be made following the merits of the case. Even where the time periods for offences are exceeded, if there is any element of doubt then the matter will be referred to the Licensing and Appeals Sub Committee. Any formal action in relation to written warnings, formal cautions, prosecutions etc will follow the General Enforcement Policy for Environmental Health.
- 3.5 Where the time periods for the actual offences of applicants etc indicated in Appendix 1, column titled "Appropriate Action" are less than those specified in the particular criminal offence category then the matter will be referred to the Licensing and Appeals Sub Committee for consideration.

#### **4.0 Financial Implications**

- 4.1 There are no financial implications in respect to this report.

#### **5.0 Corporate Implications**

- 5.1 None

#### **6.0 Community Implications**

- 6.1 With the adoption of both this Document and Enforcement Policy it should allow for an improved and more transparent enforcement procedure for both applicants and the public.

#### **7.0 Background Papers**

- 7.1 Annex 1 - Revised Statement of Policy Concerning the Relevance of Criminal / Cautions for New Applicants and Existing Drivers, Operators and Proprietors.