

**Report to:** Licensing & Environmental  
Regulation Committee

**Date:** 6<sup>th</sup> April 2016

**Report of:** Director of Place

**Report No:** LERC/08/16

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**Tele No:** 01204 336718

**Report Title:** **Statement of Fitness & Suitability (Private Hire, Hackney  
Carriage & Social Needs Transport)**

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**Confidential /  
Non Confidential:**

(Non-Confidential) This report does **not** contain information which warrants its consideration in the absence of the press or members of the public

**Purpose:**

To invite the Licensing and Environmental Regulation Committee to consider comments received during the consultation period on the Statement of Fitness & Suitability (Private Hire, Hackney Carriage & Social Needs Transport). The Committee are then asked to approve adoption of the Statement of Fitness & Suitability, which will replace the Councils 'Statement of Policy and Guidelines Relating to the Relevance of Convictions'.

**Recommendations:**

The Licensing and Environmental Regulation Committee are asked to consider the comments received following consultation. The comments relate to how the licensing processes can be clarified or improved and these suggestions can be incorporated into practices. The Committee are asked to approve adoption of the 'Statement of Fitness & Suitability' which will replace the Councils 'Statement of Policy and Guidelines Relating to the Relevance of Convictions'.

**Decision:**

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**Background  
Doc(s):**

Appendix 1 – Statement of Fitness & Suitability Appendix 2 - EIA
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*(for use on Exec  
Rep)*

**Signed:**

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Leader / Executive Cabinet Member	Monitoring Officer

**Date:**

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**Summary:**

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## **1. Background**

- 1.1 The Licensing and Environmental Regulation Committee will be aware that the Council has a 'Statement of Policy and Guidelines Relating to the Relevance of Convictions'. This policy supports the Council's decision making process by ensuring that the requirements outlined in the Local Government (Miscellaneous Provisions) Act 1976 are met.
- 1.2 The policy is modelled on a framework developed by the Association of Greater Manchester Authorities (AGMA), with the objective of ensuring transparency and consistency across region. The last policy review was completed in 2013.
- 1.3 A further review of the policy has been undertaken and a revised document, which is titled 'Statement of Fitness & Suitability', has been submitted to the Committee for consideration. The proposals outlined in the revised document take into account changes to legislation and the wider safeguarding agenda and includes the provision of Social Needs Transport (SNT). A copy of the document is attached to the report at appendix 1.

## **2 The Consultation Process**

- 2.1 The consultation period ran from Wednesday 17<sup>th</sup> February to Wednesday 16<sup>th</sup> March 2016. The purpose of the consultation was to ascertain views on amendments to the Statement of Policy and Guidelines Relating to the Relevance of Convictions. The policy sets out the range of information that is considered when deciding whether an applicant is a 'fit and proper person' to be licenced for private hire or hackney carriage. The policy will apply to new applicants, renewal of licences and existing licence holders and now also includes providers of SNT.
- 2.2 Methodology - A letter was sent to a range of stakeholders including taxi operators, taxi trade representatives, police, magistrates court and elected members (as representatives of residents). A full list of consultees is given below.

The letter asked stakeholders to review the proposed Statement on the website (paper copy available on request) and provide comments. In providing comments, stakeholders were asked to inform the Council how the updated policy would impact on them or the organisation they represent, any impacts on particular vulnerable groups, any proposed mitigation measures to off-set these impacts and any further proposed changes to the statement.

Stakeholders were asked to submit comments by email or in writing (a pre-paid envelope was provided). A face-to-face meeting or telephone discussion was offered to anyone who preferred this.

## 2.3 Stakeholders

- 89 x private hire operators
- 3 x taxi trade representatives (for both private hire and hackney carriage)
- Greater Manchester Police
- Chief Clerk, Bolton Magistrates Court
- Internal
  - Directors of the council
  - Community safety
  - Social Needs Transport
  - Legal Services
  - Licensing
- Elected members (as representatives of residents)

## 3 **Consultation Feedback**

3.1 Three comments on the statement have been received. The comments related to licensing processes and how these can be clarified or improved and these suggestions can be incorporated into practices.

3.2 There is a general outline of the comments below and this includes a brief summary response (the full consultee responses is available if required):

- a. *Elected Member comment - request for reassurance that applicants / license holders are given the opportunity to put their case forward prior to decisions relating to non convictions.*

Response - The Licensing Unit can clarify that all such issues are considered as part of a hearing as outlined at paragraph 3 of the Statement of Fitness & Suitability.

- b. *Private hire operator comment - CRB check you should carry out the health and safety check at the same time as doing it yearly will be costly for all drivers.*

Response – The Licensing Unit can confirm that the ‘fit and proper’ test is applied to all driver and operator applications and renewals and currently a DBS(CRB) is completed every 3 years. The ‘fit and proper’ test is a continual test applied by the Council as long as the licence remains valid as outlined in paragraph 2 of the Statement of Fitness & Suitability.

- c. *Service provider officer comment – Where licences are not approved or revoked/suspended this information needs to be formally notified to Social Needs Transport (SNT). Persons that do not hold a private hire/hackney carriage licence issued by Bolton Council expert advice and guidance could be provided by a the Licensing Team or the Committee.*

Response – The Licensing Unit can confirm that information is currently shared, but a more robust notification process is currently being developed. Further consideration of involving the Licensing Unit and Committee with SNT will be explored.

#### **4. Equality Impact Assessment (EIA)**

4.1 Under the Equality Act 2010, the Council must have due regard to:

- Eliminating unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act;
- Advancing equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Fostering good relations between people who share a protected characteristic and people who do not share it.

4.2 It is therefore important to consider how the proposals contained within this report may positively or negatively affect this work. To support this analysis, an Equality Impact Assessment (“EIA”) screening form has been completed for the proposals outlined in this report, and is attached at Appendix 2.

4.3 The EIA looks at the anticipated (positive and/or negative) impacts of the proposal on people from Bolton’s diverse communities, and whether any group (or groups) is likely to be directly or indirectly differentially affected.

4.4 At this stage it is not anticipated that the proposals will have a disproportionate impact on any of Bolton’s diversity groups.

4.5 The analysis of equality impact has been tested during consultation, and an updated EIA is included with the report setting out the final proposals.

#### **5. Recommendation**

The Licensing and Environmental Regulation Committee are asked to consider the comments received following consultation. The comments relate

to how the licensing processes can be clarified or improved and these suggestions can be incorporated into practices. The Committee are asked to approve adoption of the 'Statement of Fitness & Suitability' which will replace the Councils 'Statement of Policy and Guidelines Relating to the Relevance of Convictions'.