

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

**Date:** 16<sup>th</sup> February 2016

**Report of:** Director of Place

**Report No:** LERC/06/16

**Contact Officer:** Sarah Schofield

**Tele No:** 01204 336718

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

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**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 approve the proposals outlined in the Statement of Fitness & Suitability (Private Hire, Hackney Carriage & Social Needs Transport) and approve the proposals for consultation.

**Recommendations:**

The Licensing and Environmental Regulation Committee, are asked to consider the proposals contained in, the 'Statement of Fitness & Suitability' attached at appendix 1 and approve the proposals for consultation.

Following the consultation period and a subsequent meeting of the Licensing and Environmental Regulation Committee, who will consider feedback from the consultation period, the Licensing and Environmental Regulation Committee are asked to recommend to the Executive Member – Environmental Services approval of the 'Statement of Fitness & Suitability' which will replace the 'Statement of Policy and Guidelines Relating to the Relevance of Convictions'

**Decision:**

**Background  
Doc(s):**

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*(for use on Exec  
Rep)*

**Signed:**

\_\_\_\_\_  
Leader / Executive  
Cabinet Member

\_\_\_\_\_  
Monitoring Officer

**Date:**

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**Summary:**

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## **1.0 Background**

- 1.1 The Policy Development Group and 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'.
- 1.2 The 'Statement of Policy and Guidelines Relating to the Relevance of Convictions', supports the Council decision making process by ensuring that the requirement outlined in the Local Government (Miscellaneous Provisions) Act 1976 are met.
- 1.3 The 'Statement of Policy and Guidelines Relating to the Relevance of Convictions' is modelled on the framework developed by the Association of Greater Manchester Authorities (AGMA), with the objective of ensuring transparency and consistency across region.
- 1.4 The 'Statement of Policy and Guidelines Relating to the Relevance of Convictions' was review in 2013.
- 1.5 It is proposed to carry out a review of the 'Statement of Policy and Guidelines Relating to the Relevance of Convictions' during 2016.
- 1.6 The proposals take account of changes to legislation and the wider safeguarding agenda and include the Social Needs Transport provision.

## **2.0 Proposals**

- 2.1 It is proposed that the new 'Statement of Fitness & Suitability' be considered by the following consultees as part of the consultation exercise:

- Trade representative for both private hire and hackney carriage
- Private hire operators
- Greater Manchester Police
- Officers of the Council
- Members of the Licensing & Environmental Regulation Committee
- Members of the Licensing & Environmental Regulation Subcommittees

Elected Members will be consulted through the appropriate internal processes

- 2.2 The 'Statement of Fitness & Suitability' will be placed on the Council website and is attached to the report as Appendix 1.
- 2.3 Consultation will run for four weeks from 17<sup>th</sup> February 2016 to 16<sup>th</sup> March 2016.

- 2.4 Consideration has been given to the impact of the 'Statement of Fitness & Suitability' and a screening EIA has been completed please see Appendix 2.
- 2.5 The full impact of the proposals and mitigating measures will be considered following consultation.

### **3.0 Consultation And Approval Timetable**

The proposed timetable is as follows:

PDG augmented by LERC	16/02/16
LERC	16/02/16
4 weeks consultation	17/02/16 to 16/03/16
LERC	TBC
Executive Member – Environmental Services	25/04/2016

- 3.1 Following the consultation period, at the Licensing and Environmental Regulation Committee meeting to be held on the 12<sup>th</sup> April 2016, Members will consider any feedback received from the consultation process and agree the 'Statement of Fitness & Suitability' with a recommendation for approval by the Executive Member.
- 3.2 The 'Statement of Fitness & Suitability' will be submitted for approval to the Executive Member Environmental Services at a meeting to be held on the 25<sup>th</sup> April 2016.
- 3.3 The statement will last for 5 years, unless changes to legislation or other changes require a refresh of the policy before then

### **4.0 Equality Impact Assessment**

- 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 will be tested during consultation, and an updated EIA will be included with the report setting out the final proposals.

## **5.0 Recommendation**

- 5.1 The Licensing and Environmental Regulation Committee, are asked to approve the proposals contained in the ‘Statement of Fitness & Suitability’, attached at appendix 1 and approve the proposals for consultation.
- 5.2 Following the consultation period and a subsequent meeting of the Licensing and Environmental Regulation Committee, who will consider feedback from the consultation period, the Licensing and Environmental Regulation Committee are asked to recommend to the Executive Member – Environmental Services approval of the ‘Statement of Fitness & Suitability’ which will replace the ‘Statement of Policy and Guidelines Relating to the Relevance of Convictions’