

**BRIDGEND COUNTY BOROUGH COUNCIL**

**REPORT TO LICENSING SUB-COMMITTEE**

**13 JANUARY 2012**

**REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES**

**TAXI LICENSING**

**STATEMENT OF POLICY REGARDING THE RELEVANCE OF CONVICTIONS AND LICENSING OF EX-OFFENDERS**

**1. Purpose of Report.**

- 1.1 To propose amendments to the current policy in respect of the licensing of ex-offenders.

**2. Connection to Corporate Improvement Objectives/Other Corporate Priorities**

- 2.1 Taxi licensing is a regulatory function which supports a number of the Council's Corporate priority themes and Community Strategy.

**3. Background.**

- 3.1 Members have requested clarification on the informal disciplinary procedure set out at paragraph 7 of the policy. This relates to the system of written warnings at the following levels: first written warning, second written warning and final written warning. At present a written warning remains relevant for five years according to the circumstances and can be reported in subsequent renewal applications. Members have asked that timescales be applied to these warnings. Members are also requested to consider other amendments to the policy to accommodate circumstances which have come to light during cases over the past year.

**4. Current situation / proposal.**

- 4.1 It is proposed that paragraph 7.0 is renamed Disciplinary Procedure and that paragraph 7.1 is revised to include guidelines for the relevance of written warnings, and to explain the disciplinary procedure in more depth. The timescales proposed have taken into account that the majority of licences are issued for twelve months, and were a first written warning to remain relevant for twelve months or less, Members may be restricted in the opportunity to take disciplinary action for a driver who had committed offences in consecutive years.

- 7.1 *The Sub-Committee is empowered to take disciplinary action under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976. Sanctions include the suspension or revocation or refusal to renew a licence. These sanctions may be considered on the renewal of the licence for offences accrued since the last renewal of the licence. However where necessary disciplinary action may be considered at any point from the issue of a licence, particularly where the offence/incident gives rise to concerns for public safety. The Council is mindful of the impact of these*

*sanctions on a person's employment and will only take such action following careful consideration of the circumstances of each case and the policy set out above in respect of the type of conviction but in assessing the case, the overriding concern of the Sub-Committee will be the safety of the public.*

*Where the Sub-Committee determines that suspension or revocation of a licence is not appropriate, it will consider issuing a written warning as to future conduct.*

*Warnings may be given at the following levels: first written warning, second written warning, and final written warning. The issue of a written warning does not fetter the discretion of any subsequent sub-committee to apply more formal sanctions if the circumstances of the case merit this action. A written warning or other disciplinary action will generally remain relevant for eighteen months in the case of a first written warning, two years in the case of a second written warning and three years in the case of a final written warning. However, these periods are guidelines only and the Sub Committee has the discretion to amend these periods depending on any extenuating or mitigating circumstances.*

4.2 Members are requested to consider approving amendments to paragraph 7.2 to clarify the type of circumstances which could lead to disciplinary action being taken by the authority.

7.2 *When considering whether a driver is a fit and proper person to hold a licence, the Council will take into account convictions, formal cautions, fixed penalty notices and orders as well as substantiated complaints. A substantiated complaint may not necessarily involve a criminal investigation, and can be made by a member of the public, Council Officer, police officer, police community support officer, or any other enforcement agency. This will normally be referred to a sub-committee for determination. A very serious view will be taken of any complaint of inappropriate behaviour occurring in a taxi, as well as abuse, violence or aggression towards any individual.*

4.3 Members are also requested to approve an amendment to paragraph 2.3 of the policy which relates to motor offences such as speeding, using a mobile telephone or defective tyres by removing the word minor from this section of the policy. This is felt necessary in order to emphasise the potential seriousness and impact of this type of offence on public safety.

## **5. Effect upon Policy Framework& Procedure Rules.**

5.1 When considering applications for taxi driver licences, or disciplinary action, this policy will inform the decision making process, but each case must be dealt with on its merits.

## **6. Equality Impact Assessment**

6.1 The Department for Transport recommends that the Council publish a statement on how it will assess applications for taxi licences from applicants with previous convictions. These amendments are aimed at ensuring consistency and fairness of approach in the decision making process. An Equality Impact Screening has been undertaken which identified that the policy revisions were likely to have a low impact on equality groups and duties. Adverse impact of this policy on the equality

protected groups is therefore very unlikely. It is not considered, on the basis of the above, that a detailed Equality Impact Assessment is required but in line with our Inclusive Equalities Scheme we will monitor for any adverse impacts that may develop once the policy is implemented.

## **7. Financial Implications.**

7.1 There are no financial implications arising from this report.

## **8. Recommendation.**

8.1 The Committee is requested to approve the amendments to paragraphs 2.3, 7.0, 7.1 and 7.2 of the policy as outlined above.

**P A Jolley**

**Assistant Chief Executive Legal and Regulatory Services**

**9 January 2012**

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## **Background documents**

Statement of Policy regarding the relevance of convictions and the licensing of ex-offenders available at [www.bridgend.gov.uk](http://www.bridgend.gov.uk)