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| <b>Subject:</b>                       | Revised Policy Statement on Guidelines to Convictions including Statement of Policy about Relevant Convictions | <b>Status:</b>           | For Publication   |
| <b>Report to:</b>                     | Licensing Committee<br>Corporate Scrutiny Committee<br>Council   | <b>Date:</b>             | 11 <sup>th</sup> March 2014<br>17 <sup>th</sup> March 2014<br>26 <sup>th</sup> March 2014 |
| <b>Report of:</b>                     | Director of Business   | <b>Portfolio Holder:</b> | Customers, Legal and Licensing  |
| <b>Key Decision:</b>                  | <input type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>                                      | <b>General Exception</b> | <input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>                  |
| <b>Equality Impact Assessment:</b>    | Required:  | Yes                      | Attached: Yes - initial   |
| <b>Biodiversity Impact Assessment</b> | Required:  | No                       | Attached: N/A   |
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| 1.  | <b>RECOMMENDATION(S)</b>   |
| 1.1 | That Council adopt the Revised Policy Statement on Guidelines to Convictions including Statement of Policy about Relevant Convictions            |
| 1.2 | All future minor amendments to the policy to be delegated to the <i>Director for Business</i> in consultation with the Portfolio Holder.         |
| 1.3 | That the Corporate Scrutiny Committee recommend to Full Council that all other amendments to the policy be delegated to the Licensing Committee. |

## 2. PURPOSE OF REPORT

- 2.1 To propose a revised policy that will guide the Licensing Committee when it considers an application for a hackney carriage or private hire driver licence when an applicant falls within the scope of the policy.

## 3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
  - **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
  - **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

## 4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- The absence of a policy to guide applicants and members when an application for a hackney carriage or private hire driver licence is being considered is detrimental to applicants, members and residents.

## 5. BACKGROUND AND OPTIONS

- 5.1 A Local Authority must not grant a licence to a hackney carriage or private hire driver unless they are satisfied that the applicant is a fit and proper person, Local Government (Miscellaneous Provisions) Act 1976, Section 59 (1).
- 5.2 A Local Authority may refuse an application, refuse to renew an application or suspend a hackney carriage or private hire driver licence if:
- Since the grant of the licence, the applicant has been convicted of an offence involving dishonesty, indecency or violence.
  - Since the grant of the licence, the applicant has been convicted of an offence under that Act or failed to comply with the Act or any conditions of the license or,
  - There is any other reasonable cause.
- Local Government (Miscellaneous Provisions) Act 1976, Section 61 (1).
- 5.3 When determining applications, members are advised, that each case must be considered on its own merits, and in determining this application, they sit in a quasi-judicial capacity.
- 5.4 Members currently show regard to the guidelines relating to the relevance of convictions including the statement of policy about relevant convictions in respect of hackney carriage and private hire driver licence applications as approved by the Cabinet of the Council on the 21<sup>st</sup> March 2007.
- 5.5 It is the view of Rossendale Borough Council that this statement of policy and guidelines to convictions are compatible with the rights and freedom under the European Convention on Human Rights.
- 5.6 Members should consider that the hackney carriage and private hire system is an important part of the public transport infrastructure of the country, and the purpose of a licensing regime is to ensure that the service to the public is accessible and safe, and seen to be so both hackney carriage and private hire drivers are persons of trust and maintain contact with the public.
- 5.7 In any case, since March 2002 all convictions, irrespective of age, remain “live” for the purpose, of a hackney carriage or private hire driver’s licence, these occupations being added to the exemptions list from that time- Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975.
- 5.8 Members should ask themselves whether on the balance of probabilities this is a “fit and proper person” to be licensed as a hackney carriage or private hire driver when determining applications. There is a legitimate public expectation that hackney carriage and private hire drivers will be fit and proper persons to hold a position of trust, often transporting vulnerable people such as lone females, younger people, the disabled and the elderly. This review of this policy seeks to ensure robust measures are in place to enable this.
- 5.9 The current policy statement on guidelines to convictions including the statement of policy about relevant convictions in respect of hackney carriage and private hire driver licence applications was approved by the Cabinet of the Council on the 21<sup>st</sup> March 2007. This Policy is relied upon by the taxi trade and guides them on the view the Licensing Sub-Committee is likely to take when determining applications for those applicants falling within the scope of the policy.
- 5.10 It is now appropriate that a policy is revised to give an updated view of the way, and the considerations, that the Licensing Committee will view an application for a hackney carriage or private hire driver licence when an applicant falls within the scope of the policy.

- 5.11 The draft policy and summary of changes were published and circulated for consultation between Thursday 17th October and Wednesday 13th November 2013 and there were no representations made.
- 5.12 During February 2014, following a briefing with the Chair of the Licensing Committee, Portfolio Holder and Legal Services, the section relating to violent offences was re-drafted.
- 5.13 An Equality Impact Assessment has been undertaken as part of the review of this policy, which is set out in Appendix C. The outcome has identified that there are no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy.

It should be noted that there is a wider positive impact for both the community at large and those groups that might be considered more vulnerable as a result of ensuring the policy and safeguarding measures within it are fit for purpose

#### **COMMENTS FROM STATUTORY OFFICERS:**

##### **6. SECTION 151 OFFICER**

- 6.1 There are no specific financial implications.

##### **7. MONITORING OFFICER**

- 7.1 The Council must make a decision based on all relevant information and following consideration of all relevant Council policies.

##### **8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT**

###### 8.1 Consultation:-

- Legal Services
- Licensing & Enforcement Unit
- Executive Management Team 25/11/13
- All Councillors – consultation period 17/10/13 to 13/11/13
- Lancashire Constabulary – consultation period 17/10/13 to 13/11/13
- The Taxi Liaison Group 18/11/13
- Licensing Committee 11/03/14
- Overview & Scrutiny 17/03/14
- Online public consultation – consultation period 17/10/13 to 13/11/13

##### **9. CONCLUSION**

- 9.1 That Council adopts the revised Policy Statement on Guidelines to Convictions including Statement of Policy about Relevant Convictions

#### Appendices

| Document   | Appendix Number |
|--|-----------------|
| Revised Policy Statement on Guidelines to Convictions including Statement of Policy about Relevant Convictions | Appendix A      |
| Policy Briefing - Summary of changes (convictions policy)  | Appendix B      |
| Equality Impact assessment   | Appendix C      |

# Policy Statement

## Guidelines to Convictions

### Including Statement of Policy about Relevant Convictions, Cautions, Complaints and other relevant matters

Date of Issue:

**NOTE: It is the view of Rossendale Borough Council that this Statement of Policy and Guidelines to Convictions are compatible with the rights and freedoms under the European Convention on Human Rights.**

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## Introduction

This policy aims to provide guidance to all parties with an interest in public and private hire licensing thereby providing transparency and consistency in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes. This policy will be of particular interest to:

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed
- Licensing officers
- Members of the Licensing Committee/ Sub-Committee (or other relevant decision making body)
- Magistrates hearing appeals against Rossendale Borough Council decisions

This policy deals with individual's including existing licence holders, applicants for a new driver licence, and an applicant for the renewal of an existing licence.

## Statement of Policy about relevant convictions, cautions, complaints and other relevant matters

- 1.0 Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the applicant is a fit and proper person to hold such a licence.
- 1.1 This policy is intended to give guidance on one aspect of whether a person is or is not a "fit and proper" person, specifically in the situation where a person has previous convictions, cautions and / or fixed penalties.
- 1.2 The Council is concerned to ensure:-
  - a) That a person is a fit and proper person
  - b) That a person does not pose a threat to the public
  - c) That the public are safeguarded from dishonest persons.
- 1.3 However, the Licensing and Enforcement Unit, Licensing Committee and any appellate court need to take account of the public's human rights when reaching decisions.
- 1.4 When an application for a licence to drive a hackney carriage or private hire vehicle is submitted, applicants are required to declare all previous convictions they may have, this includes all formal cautions and all fixed penalties they have received.
- 1.5 Furthermore, when an application for a licence to drive a hackney carriage or private hire vehicle is submitted, applicants are required to provide details of all

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criminal matters of which they are currently the subject of criminal investigation or prosecution.

- 2.0 The information provided is treated in confidence and will only be taken into account in relation to the relevant application in order to assist the Council in determining whether the applicant is a fit and proper person to hold a driver's licence for the purposes of sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.1 Applicants should be aware that the Council is empowered by law to check with the Disclosure and Barring Service for the existence and content of any criminal record held in their name.
- 2.2 Information received from the Disclosure and Barring Service will be kept in strict confidence and will be retained no longer than is necessary. In any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and good practice after the application is determined or any appeal against such determination is decided.
- 2.3 The admission of a criminal record or information relating to criminal matters will not automatically exclude an applicant from obtaining a driver's licence. This will be determined upon whether or not the Council can be satisfied that the applicant is a fit and proper person to hold such a licence. The Council may not be satisfied that an applicant is a fit and proper person to hold a driver's licence for any good reason.
- 2.4 If sufficient evidence that a person is a fit and proper person is not received or if there is good reason to question or doubt the evidence provided, then that could amount to the refusal of a licence.
- 2.5 In considering evidence of an applicant's good character and fitness to hold a driver's licence, where previous convictions or other information relating to criminal matters is disclosed, the Council will consider:
- a) The nature of the offence
  - b) When the offence was committed
  - c) The date of conviction
  - d) The age of the applicant
  - e) Any other factors which might be relevant.
- 2.6 Where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq (1998)*].
- 3.0 The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining applications for drivers' licences. The

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guidelines do not deal with every type of offence. However, offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

- 3.1 The guidelines are not an attempt to define what a “fit and proper person” is. Any applicant refused a driver’s licence on the grounds that the Council is not satisfied he is a fit and proper person to hold such a licence has a right of appeal to the Magistrates’ Court within 21 days of the notice of refusal.
- 3.2 The guidelines will also be taken into account by the Council when dealing with applications for the renewal of existing driver’s licences and when considering whether to suspend or revoke an existing driver’s licence.

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## **GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS, CAUTIONS, COMPLAINTS AND OTHER RELEVANT MATTERS**

### **General Policy:**

- 1) Each case will be decided on its own merits.
- 2) The Council has a duty to ensure so far as is possible that drivers are fit and proper persons to hold licences.
- 3) One aspect of that is the extent to which previous convictions indicate that a person is not a fit and proper person, including but not limited to the following:
  - a) convictions for dishonesty
  - b) sexual offences
  - c) traffic offences
  - d) violence
  - e) drugs
  - f) offences against children and young persons
- 4) A person with a conviction for a serious offence need not be automatically barred from obtaining a licence but would normally be expected to:
  - i) Remain free of conviction for an appropriate period and
  - ii) Show adequate evidence that he or she is a fit and proper person to hold a licence

Simply remaining free of conviction will not generally be regarded as sufficient evidence that a person is a fit and proper person to hold a licence.
- 5) Amongst situations where it may be appropriate to depart from the general policy may be situations where the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account. In any case which involves a sexual offence, murder or manslaughter, a licence will normally be refused.
- 6) The following examples afford a general guide on the action which might be taken where convictions are disclosed:-

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**Offence of: - Dishonesty:**

Drivers of a hackney carriage and / or a private hire vehicle are expected to be persons of trust. Licences awarded by Rossendale Borough Council are to those considered under the Council's guidelines, to be a fit and proper person. This is because it is the Council's view that it is relatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may include especially vulnerable people.

For these reasons the Council takes a serious view of any convictions involving dishonesty. In general if an application is received with a conviction which is less than 3-5 years of the conviction date, it is unlikely to be considered favourably.

In particular, an application will normally be refused where the applicant has a conviction for an offence for:

- Burglary
- Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- Bribery
- Conspiracy to defraud
- Forgery ( e.g. producing false insurance policy)
- Fraud
- Handling or receiving stolen goods
- Obtaining money or property by deception
- Theft
- Offence of possession of goods with false trade mark for sale or hire-Trade Marks Act 1994

In addition:

- Other deception
- Similar offences
- Offences which replace the above offences

and the conviction is less than 3-years prior to the date of the application. Between 3 and 5 years after conviction, regard will be had to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

**Offence of: - Violence**

Members of the public and in particular, the elderly, infirm and children or vulnerable adults entrust their personal safety to private hire and hackney carriage drivers whenever they take a journey. Passengers often travel alone and are vulnerable to physical attack etc.

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Users of private hire and hackney carriage vehicles have a right to expect that drivers are not individuals with a predisposition towards or a propensity for violent behaviour at any level.

Convictions for violence are amongst the most serious of all criminal offences.

### **Offences of violence against children and young people**

Drivers of private hire and hackney carriage vehicles are often entrusted with the transportation of children and young persons who are particularly vulnerable whilst in the care of the driver.

An extremely serious view will be taken where an applicant has been convicted of any offence of violence involving a child (under 14 years of age) or a young person (aged 14 to 17 years) and, in order to afford an appropriate degree of protection to children and young people, an applicant will be required to provide substantial evidence of rehabilitation before the Council will be satisfied that the applicant passes the 'fit and proper' test.

### **Offences against adults**

Private hire and hackney carriage vehicle drivers maintain close contact with the people from all parts of the community and the Council takes the view that law abiding citizens should not be exposed to a risk of violence by placing them in a vehicle driven by a person with a history of criminal violence. The elderly and infirm, the vulnerable, lone females and people who are the worse for wear through drink are all at particular risk from a driver with a tendency to resort to violence.

### **Offence types**

Convictions falling into the most serious group offences of violence involving the loss of life is likely to result in **outright refusal** of an application; e.g.

- murder
- manslaughter
- culpable homicide
- Or similar offences
- Or offences which replace the above offences

Applicants with one or more convictions for very serious violence should expect the application to be refused until a period of at least **ten years** has elapsed from the date of conviction or their release from prison (whichever is most recent); e.g.

- Arson
- Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861)
- Which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- Actual bodily harm (s.47 Offences Against the Person Act 1861) (v) Which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)

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- Grievous bodily harm with intent (s.18 Offences Against the Person Act 1861)
- Grievous bodily harm with intent (s.20 Offences Against the Person Act 1861)
- Robbery
- Possession of firearm
- Riot
- Kidnap
- Assault Police
- Common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- Violent disorder
- Resisting arrest
- Or similar offences
- Or offences which replace the above offences

Applicants with one or more convictions for serious violence should expect the application to be refused until a period of at least **five years** has elapsed from the date of conviction or their release from prison (whichever is most recent); e.g.

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Fear of provocation of violence which is racially-aggravated (s.4 Public Order Act 1986) or (s.31(1)(a) Crime and Disorder Act 1998)
- Intentional harassment, alarm or distress which is racially-aggravated (s.4A Public Order Act 1986 offence) or (s.31(1)(b) Crime and Disorder Act 1998)
- Harassment which is racially-aggravated (s.2 Protection from Harassment Act 1997) or (s.32(1)(a) Crime and Disorder Act 1998)
- Putting people in fear of violence which is racially-aggravated (s.4 Protection from Harassment Act 1997) or (s.32(1)(b) Crime and Disorder Act 1998)
- Harassment, alarm or distress which is racially-aggravated (s.5 Public Order Act 1986) (s.31(1)(c) Crime and Disorder Act 1998)
- Or similar offences
- Or offences which replace the above offences

Applicants with one or more convictions for other offences of violence should expect the application to be refused until a period of at least **three years** has elapsed from the date of conviction or their release from prison (whichever is most recent); e.g.

- Common assault
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Affray
- Battery
- Harassment, alarm or distress (S5 Public Order Act 1986 offence)
- Fear of provocation of violence (s.4 Public Order Act 1986 offence)
- Intentional harassment, alarm or distress (s4A Public Order Act 1986 offence)
- Obstruction
- Possession of offensive weapon

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- Criminal damage
- Or similar offences
- Or offences which replace the above offences

**Offence of: - Drugs:**

An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and the conviction is less than 5 -10 years prior to the date of application. Between 5 and 10 years, regard will be had to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

An application will normally be refused where the applicant has more than one conviction for offences related to the possession of drugs and the conviction is less than 5 years prior to the date of the application.

An application from a person who has an isolated conviction for an offence related to the possession of drugs within the last 3 to 5 years will require careful consideration of the facts. If any applicant was an addict then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

**Offence of: - Sexual and Indecency Offences**

**(i) Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)**

Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. Where the commission of a sexual offence involves a child or young person an application for a licence will normally to be refused.

**(ii) Offences against persons other than children and young persons**

Hackney carriage and private hire vehicle drivers often carry unaccompanied passengers; therefore applicants will normally be refused a licence if they have a conviction for:

- Indecent assault
- Rape
- Other similar offences
- Offences under the Sexual Offences Act 2003 when the provisions of that Act come into force

Applicants will normally be refused a licence if they have a conviction relating to sexual offences such as:

- Importuning
- Indecent exposure
- Soliciting

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- Other similar offences or offences under the Sexual Offences Act 2003 when the provisions of that Act come into force

until they can show a substantial period (normally between 5 and 10 years) free from any such conviction. After 5 years, regard will be had to the circumstances of the offence and any evidence demonstrating that such a person is now a fit and proper person to hold a licence. Amongst circumstances which the Council may wish to consider, are circumstances which if they occurred at the time of the consideration of the application would not be a criminal offence.

## **Motoring Convictions**

### **1) Disqualification:**

Where an applicant has been disqualified from driving because of a major traffic offence, the applicant will generally be refused a drivers licence for a hackney carriage or private hire vehicle unless a period of 3 years free from conviction has passed since the reinstatement of the DVLA licence, and 5 years where the disqualification relates to drink driving.

Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time, this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 3 years free from conviction must have elapsed from the restoration of the DVLA licence.

In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, Rossendale Borough Council is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the Court made its finding of exceptional circumstances justifying the non-qualification.

### **2) Major Traffic Offences**

An application will normally be refused where the applicant has a conviction for an offence within 2 years of the date of the application from the date of conviction. More than one conviction for this type of offence within the last 5 years from the date of conviction is likely to merit refusal. A list of offences to which this paragraph applies is attached as **Appendix I**.

### **3) Minor Traffic Offences**

Isolated convictions for minor traffic offences should not prevent a person from obtaining a licence. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature, the applicant will normally be expected to show a period free of conviction of at least 6 months from the date of conviction. A list of offences to which this paragraph applies is attached as **Appendix II**.

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#### **4) Hybrid Traffic Offences**

Offences of the type listed in **Appendix II** will be treated as major traffic offences if the Court awarded 4 or more penalty points for the offence and as minor traffic offences if the Court awarded 3 or less penalty points for the offence.

#### **Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws**

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (“the Acts”) and Hackney Carriage Byelaws is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence. In particular, an applicant will normally be refused a licence if (s)he has been convicted of an offence under the Acts at any time during the 2 years preceding the application from the date of conviction or has more than one conviction within the last 5 years preceding the date of the application from the date of conviction.

#### **Drunkenness**

##### ***i. With a motor vehicle***

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An application will normally be refused where the applicant has a conviction for an offence within 2 years of the date of the application. More than one conviction for this type of offence within the last five years from the date of conviction is likely to merit refusal. Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an applicant is considered for a licence.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

##### ***ii. Not in a motor vehicle***

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence. In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

#### **Spent Convictions**

Rossendale Borough Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction.

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| <b>Responsible Author</b>       | Tracy Brzozowski | <b>Date Agreed / Agreed At</b> |        |
| <b>Date last Amended</b>        | 27 February 2014 | <b>Due for Review</b>          |        |

### ***Cautions, Reprimands and Fixed Penalties***

For the purpose of these guidelines formal cautions, reprimands and fixed penalties shall be treated as though they were convictions.

### **Other relevant offences**

The Council takes a serious view of any convictions involving the law and practice concerning bail conditions. In general if an application is received with a conviction which is less than 3-5 years of the conviction date, it is unlikely to be considered favourably.

In particular, an application will normally be refused where the applicant has a conviction for offences committed under the:

- Bail Act 1976;
- Bail (Amendment) Act 1993;
- Magistrates' Court Act 1980;
- Magistrates' Court Rules 1981;
- Criminal Justice Act 2003
- Powers of Criminal Courts (sentencing) Act 2000

or similar offences or offences which replace the above offences and the conviction(s) are less than 3 years prior to the date of application. Between 3 and 5 years, regard will be had to the circumstances of the offence and any evidence demonstrating that such a person is now a fit and proper person to hold a licence.

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## Appendix I

### MAJOR TRAFFIC OFFENCES

|       |   |
|-------|---|
| AC10: | Failing to stop after an accident   |
| AC20: | Failing to give particulars or to report an accident within 24 hours                                  |
| AC30: | Undefined accident offences   |
| BA10: | Driving while disqualified by order of Court  |
| BA30: | Attempting to drive while disqualified by order of Court  |
| CD10  | Driving without due care and attention  |
| CD20: | Driving without reasonable consideration for other road users   |
| CD30: | Driving without due care and attention or without reasonable consideration for other road Users       |
| CD40  | Causing death through careless driving when unfit through drink                                       |
| CD50  | Causing death by careless driving when unfit through drugs  |
| CD60  | Causing death by careless driving with alcohol level above the limit                                  |
| CD70  | Causing death by careless driving then failing to supply a specimen for                               |
| CD80  | Causing death by careless, or inconsiderate, driving  |
| CD90  | Causing death by driving: unlicensed, disqualified or uninsured drivers                               |
| DD40: | Dangerous driving   |
| DD60  | Manslaughter or culpable homicide while driving a vehicle   |
| DD80  | Causing death by dangerous driving  |
| DD90  | Furious driving   |
| DR10: | Driving or attempting to drive with alcohol level above limit   |
| DR20: | Driving or attempting to drive while unfit through drink  |
| DR30: | Driving or attempting to drive then failing to supply a specimen for analysis                         |
| DR40: | In charge of a vehicle while alcohol level above limit  |
| DR50: | In charge of a vehicle while unfit through drink  |
| DR60: | Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive |
| DR70: | Failing to provide specimen for breath test   |
| DR80: | Driving or attempting to drive when unfit through drugs   |
| DR90: | In charge of a vehicle when unfit through drugs   |
| IN10: | Using a vehicle uninsured against third party risks   |
| LC20: | Driving otherwise than in accordance with a licence   |
| LC30: | Driving after making a false declaration about fitness when applying for a licence                    |
| LC40: | Driving a vehicle having failed to notify a disability  |
| LC50: | Driving after a licence has been revoked or refused on medical grounds                                |

|                                 |                  |                                |        |
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|   |   |
|---|---|
| MS50:   | Motor racing on the highway   |
| MS60:   | Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)  |
| TT99  | To signify a disqualification under 'totting-up' procedure. If the total of penalty points reaches 12 or more within three years, the driver is liable to be disqualified |
| UT50:   | Aggravated taking of a vehicle  |
| <b><i>Aiding, abetting, counselling or procuring</i></b>                  |   |
| Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12) |   |
| <b><i>Causing or permitting</i></b>                                       |   |
| Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14) |   |
| <b><i>Inciting</i></b>  |   |
| Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16) |   |
| Or similar offences or offences which replace the above offences          |   |

|                                 |                  |                                |        |
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## Appendix II

### MINOR TRAFFIC OFFENCES

|   |  |
|---|--|
| CU10:   | Using vehicle with defective brakes  |
| CU20:   | Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition |
| CU30:   | Using a vehicle with defective tyres   |
| CU40:   | Using a vehicle with defective steering  |
| CU50:   | Causing or likely to cause danger by reason of load or passengers  |
| CU80:   | Using a mobile phone while driving a motor vehicle   |
|   |  |
| MS10:   | Leaving a vehicle in a dangerous position  |
| MS20:   | Unlawful pillion riding  |
| MS30:   | Play street offences   |
| MS40:   | Driving with uncorrected defective eyesight or refusing to submit to a test  |
| MS70:   | Driving with uncorrected defective eyesight  |
| MS80:   | Refusing to submit to an eyesight test   |
| MS90:   | Failure to give information as to identity of driver, etc.   |
|   |  |
| MW10:   | Contravention of Special Road Regulations (excluding speed limits)   |
|   |  |
| PC10:   | Undefined contravention of Pedestrian Crossing Regulations   |
| PC20:   | Contravention of Pedestrian Crossing Regulations with moving vehicle   |
| PC30:   | Contravention of Pedestrian Crossing Regulations with stationary vehicle   |
|   |  |
| SP10:   | Exceeding goods vehicle speed limit  |
| SP20:   | Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)  |
| SP30:   | Exceeding statutory speed limit on a public road   |
| SP40:   | Exceeding passenger vehicle speed limit  |
| SP50:   | Exceeding speed limit on a motorway  |
| SP60:   | Exceeding speed limit offence  |
|   |  |
| TS10:   | Failing to comply with traffic light signals   |
| TS20:   | Failing to comply with double white lines  |
| TS30:   | Failing to comply with a "Stop" sign   |
| TS40:   | Failing to comply with direction of a constable or traffic warden  |
| TS50:   | Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)  |
| TS60:   | Failing to comply with school crossing patrol sign   |
| TS70:   | Undefined failure to comply with a traffic direction sign  |
|   |  |
| <b><i>Aiding, abetting, counselling or procuring</i></b>                  |  |
| Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12) |  |

|                                 |                  |                                |        |
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|   |
|---|
|   |
| <b><i>Causing or permitting</i></b>                                       |
| Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14) |
|   |
| <b><i>Inciting</i></b>  |
| Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16) |
| Or similar offences or offences which replace the above offences          |

|                                 |                  |                                |        |
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# Policy Statement on Guidelines to Convictions, Cautions, Complaints and other relevant matters

Including Statement of Policy about Relevant Convictions,  
Cautions, Complaints and other relevant matters

Date of Issue:

Other formats are available.  
Please call 01706 217777 or  
visit our One Stop Shop at  
Futures Park, Bacup.

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## Front Page

Contact information updated

## Foreword

The Policy statement was originally approved by the Cabinet of the Council on 21<sup>st</sup> March 2007. This is a tried and tested Policy that has proved to be an invaluable tool for officers and members of the Licensing Committee. Since its adoption there has been some legislative changes and as such, it is prudent to review the Policy.

## Purpose of Report

This report is accompanied by a draft-revised statement of policy and guidelines and applies to those persons making a new or renewal application for a hackney carriage or private hire driver licence and when considering whether to suspend, revoke or refuse to renew an existing driver's licence.

### Summary of changes:

#### Change of name to Policy

There is a proposed name change for the policy from "Policy statement on guidelines to convictions including statement of Policy about relevant convictions" to "Policy statement on guidelines to convictions, cautions, complaints and other relevant matters including statement of Policy about relevant convictions" The purpose of this is to clarify that the Policy deals with matters other than just convictions.

#### Introduction

The following introduction has been added to the policy:

This policy aims to provide guidance to all parties with an interest in public and private hire licensing thereby providing transparency and consistency in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes. This policy will be of particular interest to:

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed
- Licensing officers
- Members of the Licensing Committee/ Sub-Committee (or other relevant decision making body)
- Magistrates hearing appeals against Rossendale Borough Council decisions

This policy deals with individual's including existing licence holders, applicants for a new driver licence, and an applicant for the renewal of an existing licence.

#### Statement of Policy about relevant convictions, cautions, complaints and other relevant matters

- 1.1 The policy is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has previous convictions and cautions.

|                                 |                  |                                |        |
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Reworded to:

- 1.1 This policy is intended to give guidance on one aspect of whether a person is or is not a “fit and proper” person, specifically in the situation where a person has previous convictions, cautions and / or fixed penalties.
- 1.3 Licensing Unit amended to Licensing and Enforcement Unit
- 1.4 When an application for a licence to drive a hackney carriage or private hire vehicle is submitted, applicants are required to declare all previous convictions they may have including all formal cautions and all endorsements / fixed penalties they have received.
- 1.5 Removal of additional word ‘and’

Reworded to:

- 1.4 When an application for a licence to drive a hackney carriage or private hire vehicle is submitted, applicants are required to declare all previous convictions they may have, this includes all formal cautions and all fixed penalties they have received.
- 2.1 “Criminal Records Bureau” omitted and replaced with “Disclosure and Barring Service”
- 2.2 “Criminal Records Bureau” omitted and replaced with “Disclosure and Barring Service”
- 2.5 Removal of repeated bullet point “when the offence was committed”
- 3.1 The word “ground” replaced with “grounds”

**Guidelines on the relevance of previous convictions, cautions, complaints and other relevant matters**

**General Policy:**

- 2) The word “is” has been inserted before the word “possible”
- 3) The following example has been added to the existing list:
  - f) offences against children and young persons

The following wording has been removed “and would not take advantage of passengers or abuse or assault them”.

The final sentence has been included in the first paragraph for ease.

|                                 |                  |                                |        |
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- 4) The word “crime” has been replaced with the word “offence”
- 5) The words “for example” omitted from the first sentence

**Offence of: - Dishonesty:**

“1992” added to the end of “Social Security Administration Act”  
 “Bribery” and “Offences of possession goods with false trade mark for sale or hire-Trade Marks Act 1994” added to the list of offences in the first trunk  
 Final 2 bullet points removed and redrafted into paragraph format.

Final paragraph amended for clarification.

**Offence of: - Violence:**

Following further consultation with the legal department, Chair of the Licensing Committee and the Portfolio Holder throughout February 2014, the violence section of the policy has been re-drafted – see Appendix A for clarification

**Offence of: - Drugs:**

First paragraph reworded for clarification

**Offence of: - Sexual and Indecency Offences**

New opening paragraph included as follows:

**(i) Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)**

Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. Where the commission of a sexual offence involves a child or young person an application for a licence will normally to be refused.

New heading as follows given to existing and retained:

**(ii) Offences against persons other than children and young persons**

**Motoring Convictions**

**1) Disqualification:**

The word “application” replaced with the word “applicant” and “past” with the word “passed” in the first paragraph.

The following wording removed on legal advice from the end of the first paragraph “or a major traffic offence”.

**2) Major Traffic Offences**

In title – “ii” changed to “2”

Paragraph reworded on legal advice for clarification.

**3) Minor Traffic Offences**

|                                 |                  |                                |        |
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In title – “iii” changed to “3)”

Paragraph reworded on legal advice for clarification.

#### **4) Hybrid Traffic Offences**

In title – “iv” changed to “4)”

“Offences if the type listed in Appendix III” from the first sentence reworded to:

“Offences of the type listed in Appendix II”

### **Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws**

The word “legal” replaced with “Local” on the description of legislation – clerical error rectified.

Paragraph reworded on legal advice for clarification.

#### **Drunkenness**

##### **i. With a motor vehicle**

Paragraph reworded on legal advice for clarification.

##### **ii. Not in a motor vehicle**

No proposed changes

#### **Spent Convictions**

No proposed changes

#### **Caution, Reprimands and Fixed Penalties**

The word “endorsable” has been removed in relation to fixed penalties.

Reprimands have been included

#### **Other relevant offences *(This is a new section)***

The Council takes a serious view of any convictions involving the law and practice concerning bail conditions. In general if an application is received with a conviction which is less than 3-5 years of the conviction date, it is unlikely to be considered favourably.

In particular, an application will normally be refused where the applicant has a conviction for offences committed under the:

- Bail Act 1976;
- Bail (Amendment) Act 1993;
- Magistrates' Court Act 1980;
- Magistrates' Court Rules 1981;
- Criminal Justice Act 2003
- Powers of Criminal Courts (sentencing) Act 2000

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or similar offences or offences which replace the above offences and the conviction(s) are less than 3 years prior to the date of application. Between 3 and 5 years, regard will be had to the circumstances of the offence and any evidence demonstrating that such a person is now a fit and proper person to hold a licence.

**New major traffic offence codes added to Appendix I:**

BA20 is now BA30 – Attempting to drive while disqualified by order of Court

CD40 – Causing death through careless driving when unfit through drink

CD50 – Causing death by careless driving when unfit through drugs

CD60 – Causing death by careless driving with alcohol level above the limit

CD70 – Causing death by careless driving then failing to supply a specimen for

CD80 – Causing death by careless, or inconsiderate, driving

CD90 – Causing death by driving: unlicensed, disqualified or uninsured drivers

DD60 – Manslaughter or culpable homicide while driving a vehicle

DD80 – Causing death by dangerous driving

DD90 – Furious driving

MS60 – Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle) – new wording in brackets

TT99 – To signify a disqualification under 'totting-up' procedure. If the total of penalty points reaches 12 or more within three years, the driver is liable to be disqualified

**New minor traffic offence codes added to Appendix II:**

CU80 – Using a mobile phone while driving a motor vehicle

NB: Appendix III has been merged into Appendix II

|                                 |                  |                                |        |
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| <b>Date last amended</b>        | 27 February 2014 | <b>Due for review</b>          |        |

## INITIAL EQUALITY IMPACT ASSESSMENT

|  |  |  |
|--|--|--|
| <b>Name of Policy, Decision, Strategy, Service or Function, Other: (please indicate)</b> | Policy Statement on Guidelines to Convictions including Statement of Policy about Relevant Convictions |  |
| <b>Lead Officer Name(s):</b>   | Tracy Brzozowski   |  |
| <b>Job Title &amp; Location:</b>   | Licensing & Enforcement Manager<br>Room 118, Futures Park  |  |
| <b>Department/Service Area:</b>  | Licensing & Enforcement Unit   |  |
| <b>Telephone &amp; E-mail Contact:</b>   | 01706 238602<br>tracybrzozowski@rossendalebc.gov.uk  |  |
| <b>Date Assessment:</b><br>16 <sup>th</sup> October 2013                                 | <b>Commenced:</b><br>16 <sup>th</sup> October 2013   | <b>Completed:</b><br>16 <sup>th</sup> October 2013 |

**We carry out Equality Impact Assessments (EIAs) to analyse the effects of our decisions, policies or practices. The EIA should be undertaken/started at the beginning of the policy development process – before any decisions are made.**

### 1. Overview

|   |
|---|
| <p><b>The main aims/objectives of this policy<sup>1</sup> are:</b></p> <p>The current guidelines relating to the relevance of convictions including the statement of policy about relevant convictions in respect of hackney carriage and private hire driver licence applications as approved by the Cabinet of the Council on the 21<sup>st</sup> March 2007 has been in force since that time. The policy is intended to act as guidance to the Licensing Sub-Committee when it considers an application for a hackney carriage or private hire driver licence when an applicant falls within the scope of the policy.</p> <p>Members should ask themselves whether on the balance of probabilities the person before them is a “fit and proper person” to be licensed as a hackney carriage or private hire driver when determining applications.</p> <p>There is a legitimate public expectation that hackney carriage and private hire drivers will be fit and proper persons to hold a position of trust, often transporting vulnerable people such as lone females, younger people, the disabled and the elderly. This review of this policy seeks to ensure robust measures are in place to enable this</p> <p>This policy aims to provide guidance to all parties with an interest in public and private hire licensing thereby providing transparency and consistency in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes. This policy will be of particular interest to:</p> <ul style="list-style-type: none"> <li>• Applicants for drivers’ licences</li> <li>• Existing licensed drivers whose licences are being reviewed</li> <li>• Licensing officers</li> </ul> |
|---|

<sup>1</sup> Policy refers to any policy, strategy, project, procedure, function, decision or delivery of service.

|                                 |                  |                       |   |
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- Members of the Licensing Committee/ Sub-Committee (or other relevant decision making body)
- Magistrates hearing appeals against Rossendale Borough Council decisions

This policy deals with individual's including existing licence holders, applicants for a new driver licence, and an applicant for the renewal of an existing licence.

(Refer to **EIA Guidance** for details)

Is the policy or decision under review (please tick)

New/proposed

Modified/adapted

Existing

**MANAGEMENT ACTION REQUIRED (to be completed by the Head of P&P following review by Management Team / Programme Board)**

- Outcome of EIA agreed/approved by Management Team / Programme Board:  
Yes  No
- Is a full EIA required Yes  No
- Referred back to Assessor for amendment : (date)
- Published/made publicly available on: (date)

Signed:..... (Head of P&P) Date:

Date of Review<sup>2</sup>:

**[To be Completed by Lead Officer]**

<sup>2</sup> This date will be set on an annual basis as default for review unless otherwise specified by you.

|                                 |                  |                       |   |
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## 2. Equality Impact

Using the table below please indicate whether the policy/strategy/decision has a positive, negative or no impact **from an equalities perspective** on any of the protected equality groups listed below. **Please also give consideration to wider equality of opportunity and community cohesion impacts within and between the groups identified. If you have identified any negative impact and mitigating actions are not sufficient, you will need to complete a Full Equality Impact Assessment.**

| Equality                |                                 | Positive Impact (It could benefit) | Negative Impact (It could disadvantage) | Reason and any mitigating actions already in place (to reduce any adverse /negative impacts or reasons why it will be of positive benefit or contribution)   | No Impact                           |
|-------------------------|---------------------------------|------------------------------------|---|--|-------------------------------------|
| Age                     | Older people                    | <input type="checkbox"/>           | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available, no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy | <input checked="" type="checkbox"/> |
|                         | Younger people and children     | <input type="checkbox"/>           | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available, no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy | <input checked="" type="checkbox"/> |
| Disability              | Physical/learning/mental health | <input type="checkbox"/>           | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available, no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy | <input checked="" type="checkbox"/> |
| Gender Reassignment     | Transsexual people              | <input type="checkbox"/>           | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available, no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy | <input checked="" type="checkbox"/> |
| Pregnancy and Maternity |                                 | <input type="checkbox"/>           | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available,   | <input checked="" type="checkbox"/> |

|                          |                  |                |   |
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| Equality                               | Positive Impact (It could benefit) | Negative Impact (It could disadvantage) | Reason and any mitigating actions already in place (to reduce any adverse /negative impacts or reasons why it will be of positive benefit or contribution)   | No Impact                           |
|--|------------------------------------|---|--|-------------------------------------|
|  |                                    |   | no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy  |                                     |
| <b>Race (Ethnicity or Nationality)</b> | Asian or Asian British people      | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available, no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy | <input checked="" type="checkbox"/> |
|  | Black or black British people      | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available, no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy | <input checked="" type="checkbox"/> |
|  | Irish people                       | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available, no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy | <input checked="" type="checkbox"/> |
|  | White British                      | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available, no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy | <input checked="" type="checkbox"/> |
|  | Chinese people                     | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available, no adverse or disproportionate impact has   | <input checked="" type="checkbox"/> |

|                                 |                  |                       |   |
|---------------------------------|------------------|-----------------------|---|
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| <b>Responsible Author</b>       | Tracy Brzozowski | <b>Due for review</b> |   |
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| Equality                  |  | Positive Impact (It could benefit) | Negative Impact (It could disadvantage) | Reason and any mitigating actions already in place (to reduce any adverse /negative impacts or reasons why it will be of positive benefit or contribution)   | No Impact                           |
|---------------------------|--|------------------------------------|---|--|-------------------------------------|
|                           |  |                                    |   | been identified for any particular protected equality group as a result of adopting the amended proposed policy  |                                     |
|                           | Gypsies & Travellers                                       | <input type="checkbox"/>           | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available, no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy | <input checked="" type="checkbox"/> |
|                           | Other minority communities not listed above (please state) | <input type="checkbox"/>           | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available, no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy | <input checked="" type="checkbox"/> |
| <b>Belief or Religion</b> |  | <input type="checkbox"/>           | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available, no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy | <input checked="" type="checkbox"/> |
| <b>Gender</b>             | Women  | <input type="checkbox"/>           | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available, no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy | <input checked="" type="checkbox"/> |
|                           | Men  | <input type="checkbox"/>           | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available, no adverse or disproportionate impact has been identified for any particular protected  | <input checked="" type="checkbox"/> |

|                                 |                  |                       |   |
|---------------------------------|------------------|-----------------------|---|
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| Equality   |   | Positive Impact (It could benefit) | Negative Impact (It could disadvantage) | Reason and any mitigating actions already in place (to reduce any adverse /negative impacts or reasons why it will be of positive benefit or contribution)   | No Impact                           |
|--|---|------------------------------------|---|--|-------------------------------------|
|  |   |                                    |   | equality group as a result of adopting the amended proposed policy   |                                     |
| <b>Sexual Orientation</b>  | Gay men, gay women / lesbians and bisexual people | <input type="checkbox"/>           | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available, no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy | <input checked="" type="checkbox"/> |
| <b>Marriage and Civil Partnership</b> (employment only)  |   | <input type="checkbox"/>           | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available, no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy | <input checked="" type="checkbox"/> |
| <b>Contribution to equality of opportunity</b>   |   | <input type="checkbox"/>           | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available, no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy | <input checked="" type="checkbox"/> |
| <b>Contribution to fostering good relations between different groups (people getting on well together – valuing one another, respect and understanding)</b>  |   | <input type="checkbox"/>           | <input type="checkbox"/>                | This will be implemented in line with the Council's Equality Policy and associated duties. Based on the information available, no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy | <input checked="" type="checkbox"/> |
| <b>Human Rights</b><br><a href="http://intranet/site/scripts/documents_info.php?categoryID=86&amp;documentID=251">http://intranet/site/scripts/documents_info.php?categoryID=86&amp;documentID=251</a> |   | <input type="checkbox"/>           | <input type="checkbox"/>                | All Council decisions will be carried out in compliance with the Human Rights Act 1998   | <input checked="" type="checkbox"/> |

|                                 |                  |                       |   |
|---------------------------------|------------------|-----------------------|---|
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