

Report of Head of Licensing & Registration

Report to Licensing Committee

Date: 10 March 2015

Subject: Taxi & Private Hire Licensing web page – revealing details of Private Hire and Hackney Carriage drivers (PHD & HCD), Private Hire Operators (PHO) and Hackney Carriage (HCP) and Private Hire Proprietors (PHP) convictions following enforcement activity

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Officers at Taxi & Private Hire Licensing undertake prosecutions of licence holders in appropriate cases and the matters are heard in the Magistrates or Crown Courts.
2. There has been debate over recent years by the trade and Members about the merit of revealing the detail of the convictions on the Licensing web site to both inform and deter.
3. This issue was raised again in the last Working Group and it is the first time the full Licensing Committee have had the opportunity to discuss the issue.

Recommendations

4. That Members recommend to the Executive that a policy be approved to publish criminal convictions as set out in this report with measures identified in 3.4 built into the policy to ensure publication of convictions is compliant with data protection legislation..

1 Purpose of this report

- 1.1 To enable Members to consider whether there is value in informing the public of the Council's enforcement activity results in the Courts and if there is also a deterrent benefit to other members of the trade who might then appreciate the sanction imposed and the cost involved.

2 Background information

- 2.1 The Council is empowered to undertake the prosecution of individuals by virtue of Section 222 Local Government Act 1972. Officers at Taxi & Private Hire Licensing carry out this function in respect of breaches of legislation for those Acts directly linked to the licensing regime. Prosecutions may also be undertaken under other Acts for matters that come to light in the course of investigations.
- 2.2 Prosecutions are undertaken across the whole range of licence holders which are identified in the subject heading of the report.
- 2.3 Whilst this information is in the public domain within the Courts records and media reports it has not previously been circulated by the Section to a wider audience.

3 Main issues

- 3.1 Some Members of the trade think that this sort of information is beneficial in terms of being a general deterrent but also favourable information for the public to see and understand the role of the Council and the work undertaken.
- 3.2 Members have not had the opportunity to consider this issue at Committee before and it is presented on this occasion because it was an issue raised at the last Working Group.
- 3.3 This information is already released by Birmingham City Council and has been so since 2005. Two extracts from their website are reproduced below:-

(Information which could reveal the identity of the person concerned have been redacted by the author of this report)

Fxxxxx Axxx

Pleaded guilty at Birmingham Magistrates Court on xxxx to one offence of submitting false information as to the identity of the driver of a private hire vehicle when it activated a speed camera in order to avoid potential legal proceedings.

Penalty £815 Costs £265 (£815 requested)

Fraud Act 2006

Nxxxxxx Axx

Found guilty in his absence at Birmingham Magistrates Court on xxxx of three offences; one of plying for hire in xxxx, Birmingham, one offence of consequently having invalid insurance and one offence of failing to produce an insurance certificate when required to do so by an authorised Licensing officer.

Penalty £600 x no insurance with no separate penalty x remaining 2 offences + 6 penalty points Costs £400 (£400 requested)

Town Police Clauses Act 1847, Road Traffic Act 1988 & Local Government (Miscellaneous Provisions) Act 1976

3.4 Similar information can be reproduced by the Section but it is recommended that the following format is adopted:-

- The information will be displayed on the Taxi & Private Hire Licensing web page and the Section's newsletter.
- Any information published will comply with data protection legislation
- Information will not be published until expiry of an appeal period.
- In the event of an appeal, information will not be published until appeal has been heard and additional appeal period has lapsed.
- Only the first two letters and numbers of the post code are used
- After 6 months the information will be removed at the first opportunity.

3.5 Under recent legislation the Council is required to produce information on a monthly basis detailing the decisions it takes across all of its licensing functions, but that does not include the issue of convictions.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 None undertaken. This is public information that only relates to an individual who is convicted before the Courts and does not affect the wider trade.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 An Equality Screening exercise has been undertaken, there are no adverse issues and it is available as a background document.

4.3 Council policies and City Priorities

4.3.1 The Taxi & Private Hire Licensing policies contribute to the following aims:

Best Council Plan 2013 -17

Towards being an Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us

Our Best Council Objectives

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs,
- Boosting the local economy
- Generating income for the council

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time
- Improving customer satisfaction

4.3.2 The Taxi & Private Hire Licensing policies contribute to priorities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.3.3 Safeguarding children and vulnerable adults:

4.3.4 Leeds City Council has both a moral and legal obligation to ensure the duty of care for both children and vulnerable adults across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or vulnerable adults.

4.4 Resources and value for money

4.4.1 There is no resource or financial implications in adopting such a policy.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The proposal is not directly linked to any legislation associated with the licensing regime and is purely a policy decision. The key legislation to be considered is the Data Protection Act 1998, and it is felt that the safeguards highlighted at 3.4 adequately cater for the key issues in the Act in these circumstances.

4.6 Risk Management

- 4.6.1 Providing Officers observe those issues at 3.4 and the principles of the Data Protection Act, it is not considered there are any significant issues.

5 Conclusions

- 5.1 There are benefits to publishing such information and whilst Birmingham City Council has been cited as an example, other local Authorities through their Environmental Health Sections often reveal such information for its deterrent value and to keep the public informed of some of the issues.

6 Recommendations

- 6.1 That Members recommend to the Executive that a policy be approved to publish criminal convictions as set out in this report with measures identified in 3.4 built into the policy to ensure publication of convictions is compliant with data protection legislation.

7 Background documents¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.