

Rother District Council

Report to	-	Council
Date	-	11 November 2019
Report of the	-	Licensing and General Purposes Committee
Subject	-	Reference from the Licensing and General Purposes Committee

The Council is asked to consider the recommendations arising from the Licensing and General Purposes Committee meeting held on 21 October, as set out below.

LICENSING AND GENERAL PURPOSES COMMITTEE – 21 October 2019

LG19/12. CRIMINAL CONVICTIONS AND IMMIGRATION GUIDANCE

The Committee received and considered the report of the Executive Director on the Council's Criminal Convictions Policy and Immigration Guidance in relation to Hackney Carriage and Private Hire Drivers.

In 2015, the Council adopted a Hackney Carriage and Private Hire Driver Licensing: Criminal Convictions Policy, the purpose of which was to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant, or an existing licence holder, was a fit and proper person to hold a dual drivers licence; a Hackney Carriage or Private Hire Vehicle Licence; and/or a Private Hire Operators Licence.

In September 2017, the Government established the Task and Finish Group (TFG) on Taxi and Private Hire Vehicle Licensing to consider evidence relating to the adequacy of taxi and private hire legislation and to make recommendations for actions to address any priority issues identified. In the following September (2018), the Group published its report 'Taxi and Private Hire Licensing – steps towards a safer and more robust system', which made a total of 34 recommendations, many of which had already been adopted by the Council. The report called upon the Government to legislate for national minimum standards and to set such standards at a level that ensured high minimum safety standards (recommendation 2). In addition it called for urgent guidance on the relevance of previous convictions and the period for which exclusions from licensing should apply (recommendation 21).

In February 2019, the Government published its response to the TFG report, accepting that there was a need for greater consistency and collaboration in regulation to address changes and the concerns of the public, the trade and regulators, and three key measures recommended to achieve a safe service for passengers, namely: national minimum standards, national enforcement powers and a national licencing database. The latter two measures were beyond the Council's scope of powers but the Council could introduce measures

towards achieving robust standards in advance of the introduction of any national minimum standards being ratified.

The Institute of Licensing (IoL) had published its 'Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades' in April 2018, which was welcomed by the Government in their response to the TFG and had stated that, subject to consultation (which took place between February and April 2019), it was the intention to include this in the national minimum standards.

The Council's Criminal Convictions policy presented to Members had been amended in line with the IoL guidelines and the Government's draft guidance, which incorporated those omissions identified, along with other minor variations and was attached to the report at Appendix A.

Members had the opportunity to raise questions and the following points were noted:

- the guidance had been simplified by grouping offences together under general headings;
- when considering an application for a licence, allegations that did not result in a conviction could also be taken into consideration. Members requested that the sentence at 2.6 in the guidelines, 'This will also include complaints where there has been no police involvement', be shown as a point in its own right in order to highlight it further;
- no applicants were to be deterred from applying for a licence and would be considered against guidelines set out in the policy;
- the removal of the requirement for written references was due to the availability of relevant information through the newly established Anti Fraud Network database; and
- further Government guidance was expected in the future, therefore the policy would need amending again at that point.

RECOMMENDED: That the Council's existing Criminal Convictions policy be amended in line with the Institute of Licensing guidelines and the Government draft guidance, as set out in Appendix A, as amended.

(Licensing and General Purposes Agenda Item 5).

LG19/13. **REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2019**
(6)

Members received and considered the report of the Executive Director detailing the Council's statutory review of its polling districts and polling places.

The review considered the arrangements for polling districts and polling places at UK Parliamentary elections and thus covered the arrangements in place for the parts of Bexhill and Battle and the Hastings and Rye constituencies that fell within Rother. These arrangements remained in place for other elections. The review did not

cover parliamentary, local government or parish boundaries, or the naming of these electoral areas, which were subject to a separate review process conducted by the Local Government Boundary Commission for England.

A total of 17 responses to the consultation were received, which were included in Appendix 2 to the report. Feedback from polling station staff and polling station inspectors had also been considered.

There were seven changes to the existing polling places and polling stations that the Committee was asked to recommend, as detailed in Appendix 2 to the report.

During the debate, the following points were noted:

- Rother currently had 81 polling districts, which would be reduced to 72;
- 190 staff were employed across the polling stations, consisting of 71 presiding officers and 119 poll clerks; the number of staff would not increase as a result of the proposed changes;
- access to polling stations was constantly reviewed and signage improved; and
- measures were taken to ensure polling stations were as centrally located and easily accessible within Wards as possible.

RECOMMENDED: That:

- 1) the Polling Places Scheme in Appendix B be approved; and
- 2) the Executive Director's current delegated authority to agree necessary changes of polling place after consultation with the Chairman of the Licensing and General Purposes Committee, relevant District Ward Member(s), County Council Member and Parish Council be maintained. Should any of the consultees not agree the proposed change, the decision to be brought to the Licensing and General Purposes Committee and full Council for determination.

(Licensing and General Purposes Agenda Item 6).

Councillor A.K. Jeeawon
Chairman of the Licensing and General Purposes Committee