

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING COMMITTEE

21 May 2019

REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

Revised Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades

1. Purpose of report

- 1.1 To provide details of the revised guidance issued by the Institute of Licensing on determining the suitability of applicants and licensees in the hackney and private hire trades, and to seek approval to implement the guidance.

2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 There is no direct link to the Corporate Improvement Plan / Other Corporate Priority.

3. Background

- 3.1 The Licensing Committee regularly consider the fitness and propriety of new applicants or current licence holders in the hackney carriage and private hire trade. It is sometimes the applicant's criminal convictions being considered; however, it may also include other matters such as allegations, charges, complaints or conduct which may be considered in order to determine whether they are a 'fit and proper', bearing in mind the overall aim of the licensing authority is to protect the public.
- 3.2 The authority has adopted a policy to provide guidance on the treatment of convictions, cautions and criminal charges in respect of new applicants and existing hackney carriage/private hire vehicle drivers, proprietors and operators. The current policy has been in place since 2012.

4. Current situation/proposal

- 4.1 In April 2018, the Institute of Licensing (IoL) published a document titled "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades" ("the Guidance"). A copy of the Guidance is attached at Appendix A.
- 4.2 The Guidance has been produced in conjunction with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO).
- 4.3 In preparing the Guidance, the content was subject to widespread national consultation with stakeholders including Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.
- 4.4 At a recent meeting of the Wales Licensing Expert Panel this document was considered and endorsed with the recommendation that all Welsh authorities approve

and implement the Institute of Licensing Guidance, replacing their current guidelines/policy. Many authorities in England and Wales have already adopted the new policy and others are in the process of doing so.

4.5 Chapter 4 of the Guidance onwards forms the key guidance to members on determining suitability and this forms the basis for the policy document attached at Appendix B.

4.6 It must be remembered that whilst members will refer to the guidance/policy each case should be determined on its own merits taking into account all of the facts and oral representations from the applicant, leaving the committee free to depart from the policy where exceptional circumstances warrant it.

5. Effect upon policy framework and procedure rules

5.1 The Local Government (Miscellaneous Provisions) Act 1976 allows a Local Authority to determine the suitability of an applicant for the grant of taxi and private hire vehicle Licenses and to request such information as it considers reasonably necessary from the applicant in order to determine if a licence should be granted/revoked.

6. Equality Impact Assessment

6.1 The proposal has been screened for the potential impact on protected groups within the community and human rights. We do not consider on the basis of the above that a detailed Equality Impact Assessment is required.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report

8. Financial implications

8.1 There are no immediate financial implications arising directly from this report.

9. Recommendation

9.1 To withdraw the current policy relating to the relevance of convictions and licensing of ex-offenders, and to adopt the new guidance on determining the suitability of applicants and licensees in the hackney and private hire trades attached at Appendix B for licence applications received after 3 June 2019.

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Background documents:

- Bridgend County Borough Council - Statement of Policy Regarding the Relevance of Convictions and Licensing of Ex-Offenders
- Bridgend County Borough Council Scheme of Delegation of Functions