

**CYNGOR SIR POWYS COUNTY COUNCIL**

**PLANNING, RIGHTS OF WAY AND TAXI COMMITTEE**

**6<sup>th</sup> December 2018**

**REPORT AUTHOR: Senior Licensing Officer**

**SUBJECT: Hackney Carriage and Private Hire Licensing –  
Revised Policy/Guidance in Determining  
Applications/Licence Holders**

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**REPORT FOR: Decision**

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**1. SUMMARY**

- 1.1 Members of this committee regularly sit on Licence Review Panels or sub-committee meetings to consider applications or licence holders in the Hackney Carriage and Private Hire trade. It is sometimes the applicant's criminal convictions that is being considered, however increasing often other matters such as allegations, charges, complaints, licence holders' compliance record and/or conduct may be considered in order to determine whether they are a 'fit and proper' or 'safe and suitable' persons to be issued with, or retain a licence, bearing in mind the overall aim of the licensing authority is to protect the public
- 1.2 Since 2005 the authority has used a policy/guidance document to assist members to determine applicants and licence holders, at the time this was based on guidance produced by the Home Office. the document has evolved over time.
- 1.3 The document has been updated over the years and the last review of that policy (Annex A) was in 2014 when the Wales Licensing Expert Panel produced a guidance document/policy that was approved and promoted for all the Welsh authorities to adopt, thereby ensuring consistency across Wales when considering the suitability of drivers and operators.

**2 PROPOSAL**

- 2.1 In April 2018 the Institute of Licensing published a new document 'Guidance on determining the suitability of applicants and licensees in the hackney and Private Hire Trades' (Annex B), this was the result of a large piece of work carried out by the institute in collaboration with the Local Government Association (LGA), National Association of Licensing and Enforcement Officers (NALEO) and Lawyers in Local Government (LLG) and has been subject of widespread consultation nationally.
- 2.2 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

- 2.3 Chapter 4 of this document from paragraph 4.6 onwards forms the key guidance to members on determining suitability and this has been lifted from the document as the basis for a new Powys policy/guidance document (Annex C) for members to use in future for determining the suitability of applicants and licensees.
- 2.4 It must be remembered that whilst members will refer to the guidance/policy each case should be determined on its own merits having taking into account all of the facts and oral representations from the applicant, leaving the committee free to depart from the policy where circumstances warrant it.
- 2.5 It is recommended that members approve the new revised policy that contains all the recommendations of the 'Guidance in determining the suitability of applicants and Licensees in the Hackney Carriage and Private Hire trades for Hackney Carriage and Private Hire Drivers' document to be implemented with immediate effect
- 2.6 The content of the document has already been subject to widespread national consultation with stakeholders in the taxi trade, there is no requirement for the authority to further consult, however if approved, the local taxi trade will be advised of the revised policy by a Taxi Newsletter communicated to all the licensed taxi drivers in the authority.

### **3 Options Considered / Available**

- 3.1 To adopt the above proposals to provide an up to date and consistent policy or to continue with the existing policy document.

### **4. Preferred Choice and Reasons**

- 4.1 Adopting the revised document would be:

- In line with standards as prepared by the Institute of Licensing in collaboration with the Local Government Association (LGA), National Association of Licensing and Enforcement Officers (NALEO) and Lawyers in Local Government (LLG)
- In line with recommendations from the Wales Licensing Expert Panel
- Would achieve a consistent approach as more authorities move to adopt the guidelines

### **5. Impact Assessment**

Is an impact assessment required?                      No

**6. Corporate Improvement Plan**

- 6.1 Licensing contributes to various aspects of the 'Vision 2025' document - 'Change for Powys – delivering an open, pro-active and engaging council for 2025'. This proposal supports the priority areas of developing a vibrant economy whilst supporting and protecting our residents and communities .

**7. Local Member(s)**

- 7.1 This report has no particular significance on one or some electoral divisions.

**8. Other Front Line Services**

- 8.1 Does the recommendation impact on other services run by the Council or on behalf of the Council? No

**9. Communications**

- 9.1 The trade will be notified of the new policy via a Taxi Newsletter.

**10. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

Legal – Principal Planning Solicitor notes the contents of the report and supports the Recommendations.

Finance – The contents of the report have been noted by the Finance Business Partner and there are no financial implications.

**11. Scrutiny**

Has this report been scrutinised? No

**12. Statutory Officers**

The Head of Financial Services (Deputy Section 151 Officer) notes the comment from Finance.

The Deputy Monitoring Officer notes the legal comments and makes no further comment.

**13. Members' Interests**

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
To adopt the Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades produced by the institute of Licensing in partnership with other relevant organisations	Adoption of this policy will provide members with an up to date guide on how they should consider applicants / licensees presented to them that has been produced by the Institute of Licensing, and that is considered best practice. It will aid in ensuring a consistent approach nationally.

<b>Relevant Policy (ies):</b>	None		
<b>Within Policy:</b>	Y	<b>Within Budget:</b>	Y

<b>Relevant Local Member(s):</b>	N/A
<b>Relevant Portfolio Holder</b>	Cllr James Evans

<b>Person(s) To Implement Decision:</b>	Sue Jones, Senior Licensing Officer
<b>Date By When Decision To Be Implemented:</b>	With immediate effect

<b>Contact Officer Name:</b>	<b>Tel:</b>	<b>Email:</b>
Sue Jones	01597 827389	Susan.jones@powys.gov.uk

Background Papers used to prepare report:

**Guidance in determining the suitability of applicants and Licensees in the Hackney Carriage and Private Hire trades (April 2018)**