DECISION

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 6

 meeting date:
 TUESDAY, 12 JUNE 2018

 title:
 GUIDANCE ON DETERMINING SUITABILITY OF APPLICANTS AND

 LICENSEES IN HACKNEY AND PRIVATE HIRE TRADES

 submitted by:
 CHIEF EXECUTIVE

 principal author:
 MAIR HILL

1 PURPOSE

1.1 To consider the guidance and seek committee's view on its adoption.

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- 1.2 Relevance to the Council's ambitions and priorities:
 - Community Objectives }
 - Corporate Priorities -
 - Other Considerations }

The Council aims to be a well-managed Council providing efficient services based on identified customer needs, consideration of this issue will enhance this.

2 BACKGROUND

- 2.1 In April 2018, the Institute of Licensing published a document entitled "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades" ("Guidance"). The Guidance has been produced in conjunction with the Local Government Association (LGA), Lawyers in Local Government and the National Association of Licensing and Enforcement Officers (NALEO) following wide spread consultation.
- 2.2 The Guidance has been produced because there is no recent statutory or ministerial guidance on how Committees, Sub-committee and/or officers should make a determination on whether an applicant or licensee is a 'fit and proper person'. The intention is to provide guidance on determining suitability, taking into account the character of the applicant or licensee and that it be used as a basis for the Council's own policies and in particular how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. A copy of the Guidance is enclosed at Appendix 1.
- 3 ISSUES
- 3.1 As Committee is aware the Council has a comprehensive Policy for the Licensing of Hackney Carriage Drivers and Vehicles Private Hire Operators, Drivers and Vehicles and a Statement of Policy and Guidelines on relevant convictions which were approved by Committee relatively recently. Having reviewed these against the Guidance they mirror its intent on the majority of issues but a different approach is taken in the Guidance on several issues, such as the requirement for DBS checks for Vehicles licence holders and the imposition of conditions requiring Private Hire Operators to check the suitability of those who they employ to work in the office taking bookings.
- 3.2 The importance of a consistent approach with other authorities is recognised and it is proposed that Committee adopt the Guidance and authorise the Head of Legal and Democratic Services to review the Policy for the Licensing of Hackney Carriage

Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles, the Statement of Policy and Guidelines on relevant convictions, the Council's licensing conditions and its procedures to ensure there is a consistent approach to that advocated in the Guidance. The amended documentation will be brought back to Committee for approval.

- 4 RISK ASSESSMENT
- 4.1 The approval of this report may have the following implications:
 - Resources –N/A.
 - Technical, Environmental and Legal N/A
 - Political N/A
 - Reputation N/A
 - Equality and Diversity N/A

5 **RECOMMENDED THAT COMMITTEE**

5.1 Adopt the Guidance and authorise the Head of Legal and Democratic Services to review the Policy for the Licensing of Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles, the Statement of Policy and Guidelines on relevant convictions, the Council's licensing conditions and its procedures to ensure there is a consistent approach to that advocated in the Guidance.

MAIR HILL SOLICITOR MARSHAL SCOTT CHIEF EXECUTIVE

For further information please ask for Mair Hill, extension 3216.

REF: MJH/Licensing Committee/12 June 2018