

To: Members of the Licensing
Committee

Date: 6 June 2019

Direct Dial: 01824 712568

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Dear Councillor

You are invited to attend a meeting of the **LICENSING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 12 JUNE 2019** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

PLEASE NOTE: THERE WILL BE A LICENSING TRAINING SESSION FOR MEMBERS IMMEDIATELY FOLLOWING THE MEETING

Yours sincerely

G Williams
Head of Legal and Democratic Services

AGENDA

PART 1 - THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 APPOINTMENT OF CHAIR

To appoint a Chair of the Licensing Committee for the ensuing year.

3 APPOINTMENT OF VICE CHAIR

To appoint a Vice Chair of the Licensing Committee for the ensuing year.

4 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

5 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

6 MINUTES OF THE LAST MEETING (Pages 9 - 14)

To receive the minutes of the Licensing Committee held on 5 March 2019 (copy enclosed).

PART 2 - CONFIDENTIAL ITEMS

It is recommended in accordance with Section 100A(4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following items of business because it is likely that exempt information as defined in paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act would be disclosed.

7 APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE (Pages 15 - 36)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of an application for a Private Hire Vehicle Licence.

8 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 533519 (Pages 37 - 62)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of an application to drive hackney carriage and private hire vehicles from Applicant No. 533519.

PART 1 - THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

9 UPDATE ON STATEMENT OF POLICY REGARDING THE SUITABILITY OF APPLICANTS AND LICENSEES IN THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADES (Pages 63 - 80)

To consider a report by the Head of Planning and Public Protection (copy enclosed) presenting the draft Statement of Policy regarding the suitability of applicants and licensees in the hackney carriage and private hire trades for approval with effect from 1 July 2019.

10 LICENSING COMMITTEE FORWARD WORK PROGRAMME (Pages 81 - 84)

To consider a report by the Head of Planning and Public Protection (copy enclosed) presenting the committee's forward work programme for approval.

MEMBERSHIP

Councillors

Joan Butterfield
Hugh Irving
Alan James
Brian Jones
Barry Mellor
Melvyn Mile

Arwel Roberts
Peter Scott
Rhys Thomas
Tony Thomas
Huw Williams

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LICENSING COMMITTEE PROCEDURE FOR THE DETERMINATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCE APPLICATIONS AND REVIEWS OF EXISTING LICENSED DRIVERS

STEP	DESCRIPTION
1.	The Chair to welcome and introduce the applicant/licence holder to all parties present.
2.	Solicitor to ask the applicant/licence holder to confirm that he/she has received the report and the Committee procedures. If applicant confirms same, move onto step 4.
3.	If it should occur that the applicant/licence holder states that the report has not been received, then such matter will be addressed at this stage. Members may wish to consider adjourning the matter, for a short period, in order for the applicant/licence holder to read the report.
4.	Head of Planning and Public Protection (or representative) briefly introduces the application/review
5.	The applicant/licence holder is requested to present his/her case The applicant/licence holder can call any witnesses he/she chooses in support of the application, for which advance notice should have been given to the Licensing Officers.
6.	Committee Members can question the applicant/licence holder and or his witnesses
7.	Technical officers are invited to present any findings (Licensing/Community Enforcement, First Contact Team (Social Services), School Transport.)
8.	The Committee Members followed by the applicant/licence holder can ask questions of the technical officers
9.	The applicant/licence holder will be invited to make a final statement, if they so wish
10.	The following will be requested to leave the meeting whilst the application/review is discussed by Members – the applicant/licence holder, all third parties, Head of Planning and Public Protection, technical officers NB The only people remaining should be – Committee Members, translator, committee’s legal adviser and the minute taker

11.	The committee members will consider the application/review taking into account the evidence heard
12	Should Committee Members prove it necessary to recommence the asking of questions and recall any party to provide further information or clarification, all persons who have withdrawn from the meeting will be invited to return. After the question(s) have been determined all third parties will be asked to withdraw again for Members to consider all evidence.
13.	When the Members have reached their decision, all parties will be recalled and the applicant/licence holder will be informed of the Members decision by the Chairman.
14.	The Chair will inform the applicant/licence holder of the decision reached. This will include any specific conditions or penalties which may have been imposed. If necessary the Council's Solicitor to provide further clarification of the decision and its implications to the applicant/licence holder.
15.	If the decision is to refuse or there is a decision to suspend or revoke, the Council's Solicitor to inform the applicant/licence holder of the right of appeal to the Magistrates' Court (the decision letter will also include these details).
16.	For an existing licensed driver (issued by Denbighshire), and the decision involves a resolution by the Committee to suspend or revoke the existing licence, Members may do so under either: <ul style="list-style-type: none"> 1. Section 61 (2A) of the Local Government (Miscellaneous Provisions) Act 1976. 2. Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976. This decision will have IMMEDIATE EFFECT and can only be used when the grounds for suspension/revocation are a public safety matter. <p>The Solicitor will explain to the licence holder the implications of the decision.</p>
17.	The applicant/licence holder will be informed of the decision in writing as soon as practicable.
18.	The applicant/licence holder will be invited to discuss any matter they are unsure of with Licensing Officers after the Committee

LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of
*(*please delete as appropriate)*

Denbighshire County Council

CONFIRM that I have declared a ***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-
*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in the Council Chamber, Russell House, Rhyl on Tuesday, 5 March 2019 at 9.30 am.

PRESENT

Councillors Joan Butterfield, Alan James (Vice Chair), Brian Jones, Richard Mainon, Barry Mellor, Arwel Roberts, Tony Thomas and Huw Williams

Observers – Councillors Bobby Feeley and Huw Hilditch-Roberts

ALSO PRESENT

Solicitor (AL), Built Environment and Public Protection Manager (GR), Public Protection Business Manager (IM), Licensing Officer (JT) and Committee Administrator (KEJ)

POINT OF NOTICE

In the absence of the Chair, Councillor Hugh Irving, the Vice Chair, Councillor Alan James took the Chair for the meeting.

1 APOLOGIES

Councillors Hugh Irving (Chair), Melvyn Mile and Rhys Thomas

2 DECLARATION OF INTERESTS

Councillor Tony Thomas declared a personal interest in agenda item 5 because the applicant was resident within his town and county ward area.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES OF THE LAST MEETING

The minutes of the Licensing Committee held on 5 December 2018 were submitted.

Matters Arising – Page 9: Update on the introduction of a list of designated wheelchair accessible vehicles – In response to a question from Councillor Brian Jones, the Public Protection Business Manager confirmed that a list of designated wheelchair accessible vehicles had been published on the Council's website.

RESOLVED that the minutes of the meeting held on 5 December 2018 be received and confirmed as a correct record.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act.

5 APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE

A report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) an application having been received for a Private Hire Vehicle Licence;
- (ii) officers having not been in a position to grant the application as the vehicle presented for licensing did not comply with the Council's policy with regard to the five year age limit for vehicles licensed under a new application;
- (iii) additional conditions being applicable to the licensing of specialist vehicle types such as the one presented in this case together with photographs of the vehicle subject of the application, and
- (iv) the Applicant having been invited to attend the meeting in support of the application and to answer members' questions thereon.

The Applicant was in attendance and confirmed he had received the report and committee procedures.

The Licensing Officer presented the report and drew attention to the Council's policy which specified that vehicles subject of a new application must be no older than five years. As the vehicle subject of the application was thirteen years old it did not comply with current specifications. Members were asked to consider the Applicant's request to depart from the Council's policy and grant the application.

The Applicant advised of his intention to substitute a different vehicle for licensing but on reflection he confirmed his original vehicle licence application, details of which had been contained within the committee report. In presenting his case the Applicant advised that he was a well-known and established operator of limousines for specialist private hire purposes catering for special occasions such as weddings, christenings, etc. He acknowledged the reasoning behind the introduction of an age limit for general hackney carriage and private hire vehicle licensing but submitted that the restriction had a disproportionate effect on his business and its viability given the nature and type of business operated and also created a barrier to upgrading existing licensed vehicles which had occurred in this case. He elaborated upon the merits of the proposed vehicle for licensing and provided evidence of maintenance and service schedules together with assurances regarding high vehicle standards. Finally he called for the removal of the age limit for specialist vehicle types, such as stretch limousines, in the Council's policy.

At this juncture the committee adjourned to consider the application and it was –

RESOLVED that the application for a Private Hire Vehicle Licence be granted subject to the additional conditions as detailed in Appendix 2 to the report.

The reasons for the Licensing Committee's decision were as follows –

Members had carefully considered the case put forward by the Applicant and noted that he was a long standing responsible operator of specialist high quality private hire vehicles for specific purposes. Having taken into account the nature and type of business operated by the Applicant and specific services provided, and having considered the proposed vehicle for licensing to be in pristine condition, members agreed that a case had been made to deviate from their age limit policy in this instance and grant the application as applied for, subject to the additional conditions applicable to the specialist vehicle type. With regard to the call for a change in the age limit policy relating to specialist vehicles, members reaffirmed their existing policy with each application to be considered on its own merits.

The Committee's decision and reasons therefore were conveyed to the Applicant.

OPEN SESSION

Upon completion of the above business the meeting resumed in open session.

6 PROPOSED PRIVATE HIRE PLATE EXEMPTION POLICY

The Licensing Officer submitted a report (previously circulated) presenting the proposed Private Hire Plate Exemption Policy for consideration and approval for formal consultation.

Officers reported upon the legalities governing the issue and display of private hire plates including the Council's discretion to grant dispensation from displaying licence plates. The proposed policy would provide guidance to potential applicants on the minimum standards in terms of vehicle type that the Council would consider for exemption from the requirement to display licence plates and would also enable the Council to make transparent decisions on suitable exemptions.

Members supported the proposed policy as a means of providing a consistent approach when dealing with requests for plate exemption and to ensure no undue delay in the processing of such requests. Consequently it was –

RESOLVED that –

- (a) *the proposed Private Hire Plate Exemption Policy, as detailed in Appendix A to the report, be supported and approved for formal consultation, and*
- (b) *following consultation officers report back any objections to the Licensing Committee for consideration and approval of the proposed policy, or in the event of no responses received, approve the Private Hire Place Exemption Policy for adoption with effect from 1 June 2019.*

7 PROPOSED HACKNEY CARRIAGE INTENDED USE POLICY

The Licensing Officer submitted a report (previously circulated) presenting the Hackney Carriage Intended Use Policy for review as required every three years.

The Council had adopted the policy in 2015 as means of controlling the use and enforcement of Denbighshire licensed hackney carriage licences granted in the county. The policy had regard as to whether the intention was for the vehicle to be operated within the county or predominantly for the purpose of private hire work outside of the county. Having reviewed the policy officers considered it was still fit for purpose and had recommended no changes with a further review in three years.

RESOLVED that the contents of the report be noted and officers be authorised to review the Hackney Carriage Intended Use Policy in a further three years' time.

8 DRAFT RESPONSE TO THE WELSH GOVERNMENT CONSULTATION ON IMPROVING PUBLIC TRANSPORT

The Public Protection Business Manager submitted a report (previous circulated) presenting the Council's draft response to the Welsh Government's consultation on improving public transport.

Members were advised of the Welsh Government's White Paper on proposals to legislate for reforming the planning and delivery of local bus services and licensing of taxis and private hire vehicles in Wales. The report considered the taxi and private hire aspect only and officers had drafted a response to the questions posed by the Welsh Government for members' consideration. The response was intended to inform a Cabinet Briefing to enable a collated response on all aspects of the consultation prior to submission of the formal response by the deadline of 27 March 2019. Four main areas of taxi and private hire licensing had been highlighted for consideration which included proposals to set national standards; allow a licensing authority to take enforcement action against any vehicle operating in its area; the creation of a mechanism for sharing relevant information for safeguarding purposes, and proposals to redirect taxi and private hire licensing functions into a national licensing authority – a Joint Transport Authority (JTA).

Members discussed the implications of the proposals with officers and it was confirmed that the Licensing Technical Panel (representing all Welsh local authorities) had agreed a collective response with each local authority having the option of including additional comments tailored to their specific localities as appropriate. Officers also reported upon the scope of the consultation to inform Cabinet Briefing and Councillor Brian Jones confirmed that the North Wales Transport Advisory Forum had also considered the proposals and would provide an input to enable Cabinet Briefing to consider Denbighshire's position. Members noted that there were some positive aspects arising from the proposals including standardising policies and procedures across Wales to ensure a consistent approach, greater enforcement powers for local authorities, the sharing of information for safeguarding purposes, and modernisation of processes. However members stressed the importance of local control, knowledge and accountability and firmly believed that local authorities should continue to have responsibility for

taxi and private hire licensing within their areas, believing them to be best placed to effectively deal with local issues and influence local outcomes, ensuring greater control over the taxi and private hire trade in the county. The hard work of both members and officers in raising standards and effecting improvements throughout Denbighshire's licensed taxi and private hire trade was also highlighted and the importance of continuing that work and maintaining standards was considered of paramount importance. Consequently there was no support for the proposal to redirect those functions away from local authorities to a national licensing authority. Whilst debate focused predominately on taxi and private hire licensing reference was also made to the importance of the delivery of local bus services as part of that process and transportation in rural communities which was a priority for the Council.

RESOLVED that members –

- (a) *note and support the contents of the report and the proposed response, and*
- (b) *subject to members' views, authorise the Head of Planning and Public Protection to present the final draft as the response to the Welsh Government consultation on Improving Public Transport, in so far as it relates to taxi and private hire licensing.*

9 UPDATE ON THE WORK OF THE LICENSING SECTION

The Public Protection Business Manager submitted a report (previously circulated) updating members on the work of the Licensing Section during 2018 which focused on both operational and management matters.

The report provided statistical data of the number of licences issued, complaints and service requests received covering the main functions – Alcohol and Entertainment; Hackney and Private Hire Licensing; Gambling, Gaming and Lotteries; Street Trading; Charity Collections and Scrap Metal together with other ancillary matters including data recording, performance and communications. Management matters included reference to policies, fees, complaints against the service together with future workload considerations. Officers elaborated on various aspects of the report and clarified particular issues in response to members' questions thereon.

During debate the Public Protection Business Manager agreed to review the protocol for engaging local ward members where issues were identified within their specific areas to ensure it remained relevant and appropriate for licensing purposes. In response to a question regarding food hygiene ratings officers confirmed that inspections were generally carried out every eighteen months but in the event of a poor rating the Council would re-inspect on request within three months for a fee. Officers also elaborated upon the joint working taking place across service areas during inspections of licensed premises.

Members paid tribute to the hard work of the Licensing Team in raising standards and ensuring good practice across the various licensing functions and had been pleased to note the steps taken to document that work and ensure future monitoring of processes which would enable greater transparency. The Committee asked that

their thanks be conveyed to the Licensing Team and their appreciation be recorded within the minutes. The Public Protection Business Manager thanked members for their support and agreed to convey their thanks back to the Licensing Team. It was agreed to receive an annual report on the work of the Licensing Section.

RESOLVED that, subject to members' comments, the contents of the report be noted.

10 LICENSING COMMITTEE FORWARD WORK PROGRAMME

A report by the Head of Planning and Public Protection was submitted (previously circulated) presenting the Licensing Committee's future work programme for 2019.

The work programme was flexible in order to react to emerging pressures or changes as they arose and members were encouraged to contact officers regarding any matters they wished to be added to the forward work programme.

Councillor Brian Jones referred to the practice of operators offering cut price fares and he highlighted associated problems in that regard which might escalate in the future. Officers advised that the hackney carriage tariffs set by the Council related to the maximum amount which could be charged and operators were free to charge less than the tariff set. Officers also confirmed they had not been made aware of any problems associated with the practice of undercutting fares during recent times.

RESOLVED that the proposed forward work programme as detailed in the appendix to the report be approved.

The meeting concluded at 11.00 a.m.

By virtue of paragraph(s) 12, 13 of Part 4 of Schedule 12A of the Local Government Act 1972.

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REPORT TO:	Licensing Committee
DATE:	12 th June 2019
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Technical Officer (Licensing) 01824 706433
SUBJECT:	Update on Statement of Policy regarding the suitability of applicants and licensees in the hackney carriage and private hire trades

1. PURPOSE OF THE REPORT

- 1.1 To report back to Members on the work carried out in drafting a policy which meets the contents of the Institute of Licensing (IoL) Guidance document.
- 1.2 To seek Members approval on the draft Statement of Policy Regarding the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trades, for implementation on the 1st July 2019.

2. EXECUTIVE SUMMARY

- 2.1 At the Licensing Committee meeting on the 5th December 2018, Members resolved to adopt the IoL guidance and instructed Officers to draft a policy which meets the contents of the document. Members also recommended officers engage with licence holders.
- 2.2 Officers having completed the task as detailed in 2.1 above are now in a position to present the final draft version of the Statement of Policy Regarding the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trades for approval.

3. POWER TO MAKE THE DECISION

- 3.1 Local Government (Miscellaneous Provisions) act 1976 and Town Police Clauses Act 1847

4. BACKGROUND INFORMATION

- 4.1 Further to the resolution as detailed in 2.1, Officers would like to update Members on the work that has taken place since the Licensing Committee meeting in December last year.
- 4.2 In January of this year, a newsletter was sent to all existing licensed drivers, Operators and proprietors informing them of the Licensing Committee's adoption of the Institute of Licensing (IoL) guidance document on the suitability of applicant and licensees in the taxi trade. A copy of the IoL guidance document was sent along with the newsletter.
- 4.3 The newsletter also detailed of a number of Licensing surgeries that had been arranged for February and April throughout the County with morning, afternoon and evening sessions available.
- 4.4 The Licensing Surgeries were also promoted on the social media pages for Denbighshire and Licensing as well as sharing on various local social media groups.
- 4.5 It is disappointing to report that out of all the surgeries held throughout the County, only 3 licence holders attended, and it is further noted that out of the 3 none of them had any issues with the policy.
- 4.6 The policy is intended to be applied to all new licences as from the 1st July 2019. In addition, any existing licensees that have been considered as "fit and proper" under the existing Conviction Policy, will continue to be considered as such provided no further convictions occur. Should there be any further additional convictions then all matters will be taken into account at the time of either renewal or when the Council has been notified of such an offence.
- 4.7 A copy of the draft Statement of Policy Regarding the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trades can be found at Appendix A.
- 4.8 Officers wish to bring to the attention of Members that this national policy may be subject to changes beyond the control of this Authority. In such cases, Members may wish to consider authorising Officers to adopt such changes to the Statement of Policy without reporting back to this Committee. However, where significant changes at a national level ie those having a major impact on the policy as adopted, are made officers will update the Members at the next available committee.

5.0 CONSULTATION

- 5.1 Members will be aware that it is the Council's usual practice to consult with all key stake holders on any proposed policy change, however, in this instance, as the IoL guidance document is a national document and any deviation from this document would create inconsistencies throughout the Country and would not therefore be appropriate, a programme of awareness events was implemented.

6. RECOMMENDATION

- 6.1 That Members adopt the Statement of Policy regarding the suitability of applicants and licensees in the hackney carriage and private hire trades as attached at Appendix A, with an implementation date of the 1st July 2019.
- 6.2 That Members authorise officers to make such changes as detailed in 4.8 above, so that the Statement of Policy Regarding the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trades maintains consistency with the national guidance document.

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STATEMENT OF POLICY REGARDING THE SUITABILITY OF APPLICANTS AND LICENSEES IN THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADES

1.0 Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper, or safe and suitable (refer to section 3.13) person to hold a licence.
- 1.1 This document aims to provide guidance to any person with an interest in hackney carriage and private hire licensing. In particular, but not exclusively:
 - Applicants for driver / operator licences
 - Existing licensed drivers / operators whose licences are being reviewed
 - Licensing Officers and Police
 - Members of the Licensing Committee/ Panel (or other relevant decision making body)
 - Magistrates and Crown Court hearing appeals against local authority decisions
- 1.2 This policy is largely based on the 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' produced by the Institute of Licensing (2018). As a result, some sections of this policy will read as a form of 'guidance for all', and the rationale for keeping this information within this policy is simple; the reasoning employed by decision makers should be consistent and transparent. The additional information provided therefore serves to 'set the scene' and better inform all of those involved or interested in this area.
- 1.3 Additionally, this policy is closely aligned to the Institute of Licensing's guidance because this authority recognises that a consistent approach is required across the country to ensure that public safety is at the forefront of decision making.
- 1.4 The only amendments that have been made from the guidance produced by the Institute of Licensing are to reflect specific Denbighshire County Council requirements or to give definitive statements.
- 1.5 This policy will be immediately applied to all new licences. In addition, any existing licensees that have been considered as "fit and proper" under the previous conviction policy, will have "grandfather rights". However, should any existing licensee re-offend (either criminal or motoring), all previous convictions will be taken into account at the time of renewal or when the Council has been notified of such offence.
- 1.6 The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered which result in an individual no longer being considered fit and proper.

- 1.7 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 1.8 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.
- 1.9 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 1.10 This policy takes a 'bright line approach' and says "never", but it should be noted that it remains a policy, and as such does not amount to any fetter on the discretion of the authority. Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will normally happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. This approach was endorsed by the High Court in *R (on the application of Nicholds) v Security Industry Authority* (2007).
- 1.11 Section 2 this policy explores the current thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraph 1.10 and elsewhere in this document.
- 1.12 This policy contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation.

2.0 Offenders and Offending – An Overview

- 2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public. With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.
- 2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour.
- 2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability, it is essential that the decision maker considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.

- 2.4 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. What can be done is to examine each case on its individual merits, look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.
- 2.5 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is Public Protection. This includes assessing the risk of reoffending and harm. Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences. Local Authorities are not always privy to this information so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.

Risk of re-offending

- 2.6 The longer the time elapsed since an offence has been committed, the more likely the individual will desist from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance (Maguire et al, 2002). Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that “individuals who have offended in the distant past seem less likely to recidivate than individuals who have offended in the recent past” (Kurlychek et al, 2007).
- 2.7 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual’s previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when making a decision as to whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person’s ability to sustain such change. This can be a long process that can only be achieved over time.

3.0 ‘Taxi’ Licensing Overview

- 3.1 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver’s hands.
- 3.2 Local authorities are responsible for hackney carriage and private hire licensing.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the Department for Transport (DfT) “Taxi and Private Hire Licensing – Best Practice Guide”, paragraph 8 which states: “The aim of local authority licensing of the taxi and PHV trades is to protect the public.”
- 3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver and private hire operator.

- 3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.
- 3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion and additional information on the requirements for Denbighshire can be found within the full Hackney Carriage and Private Hire Policy.
- 3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.

Taxi Drivers

- 3.9 The term “taxi driver” encompasses two different occupations: hackney carriage drivers and private hire drivers. “Taxi driver” is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers. In each case there are identical statutory criteria to be met before a licence can be granted and this licensing authority issue “dual” or “combined” licences to cover driving both types of vehicle.
- 3.10 The specific requirements of an application for this authority are outlined within the Hackney Carriage and Private Hire guidance attached to the application form. This includes the requirement to hold a full DVLA licence, have the right to work in the UK and pass a knowledge test. In addition to this, the individual must also be a “fit and proper” person.
- 3.11 It is the whole issue of “fit and proper” that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain* (2003). Silber J said:
- “... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.”
- 3.12 This is reflected in a test widely used by a number of local authorities, including Denbighshire County Council:
- ‘Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?’
- 3.13 This authority recognises that the expression “safe and suitable” person to hold a driver’s licence is a good interpretation which neither adds nor removes anything from the original term of “fit and proper” but brings the concept up to date.
- 3.14 The local authority has the power to require an applicant to provide:
- “such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any

such licence.” Local Government (Miscellaneous Provisions) Act 1976 s57(1)). All requirements are detailed within the Hackney Carriage and Private Hire Driver application form.

- 3.15 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.
- 3.16 Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker. **NOTE:** “Protected convictions” and “protected cautions” are single, minor and elderly matters that do not appear on any DBS Certificates. In all cases an enhanced DBS Certificate is required on first application and on a three yearly cycle thereafter.
- 3.17 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.
- 3.18 Case law makes it clear that the impact of losing (or not being granted) a driver’s licence on the applicant and his family is not a consideration to be taken into account (Leeds City Council v Hussain, 2002).
- 3.19 It is vital that Councillors recognise that this policy, whilst remaining a policy and therefore the Authority’s own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.
- 3.20 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.
- 3.21 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.

3.22 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

3.23 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.

Private Hire Operators

3.24 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same authority. A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK and is a fit and proper person.

3.25 As with taxi drivers the role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.

3.26 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.

3.27 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used: “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”

3.28 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

3.29 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation. Only by so doing can a decision be made as to the fitness and propriety of the operating entity.

Vehicle Proprietors

3.30 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as “taxis”). Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver’s licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.

3.31 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.

3.32 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.

3.33 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process is applied as for private hire operators – Basic disclosure, statutory declaration and consideration of spent convictions. This will then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs.

3.34 A suitable test would be: “Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”.

4.0 Guidance on Determination

4.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.

4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.

4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast

majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.

- 4.4 The purpose of this document is to set out how this licensing authority can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, this policy can and will say 'never' but each case will still be considered on its own merits.

Pre-application requirements

- 4.5 This authority has its own specific pre-application requirements for drivers, vehicles and operators and they can be seen within the relevant sections of the hackney carriage and private hire policy and/or on the appropriate application form.
- 4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 4.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor's licence.
- 4.9 "Fit and proper" means that the individual (or in the case of a private hire operator's licence, the limited company together with its directors and secretary, or all members of a partnership) is "safe and suitable" to hold the licence.
- 4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.
- 4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution. Fixed penalties and community resolutions will also be considered in the same way as a conviction. This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.
- 4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn.

Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.

- 4.14 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 4.16 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.
- 4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.20 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare or disclose convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution. Licence holders must be aware of this and the requirement to notify the Council, in writing, within 72 hours, of any conviction, caution, arrest etc, whether it be motoring or criminal etc.
- 4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

- 4.23 Where an applicant/licensee is convicted of an offence which is not detailed in this policy, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 4.24 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.
- 4.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 4.26 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 4.27 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.28 In relation to single convictions, the following time periods should elapse following completion of the sentence imposed upon conviction (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

- 4.29 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

- 4.30 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional, physical or financial abuse, but this is not an exhaustive list.

Offences involving violence

- 4.31 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

- 4.32 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Sex and indecency offences

- 4.33 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
- 4.34 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

- 4.35 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

- 4.36 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 4.37 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

- 4.38 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

- 4.39 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

- 4.40 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 4.41 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

4.42 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

4.43 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

4.44 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

4.45 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

4.46 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

4.47 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

4.48 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic disclosure certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

4.49 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle proprietors

4.50 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.

4.51 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

4.52 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

4.53 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

4.54 As public trust and confidence in the overall safety and integrity of the system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

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REPORT TO:	Licensing Committee
DATE:	12 th June 2019
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Technical Officer (Licensing) licensing@denbighshire.gov.uk 01824 706433
SUBJECT:	Forward Work Programme 2019/20

1. PURPOSE OF THE REPORT

- 1.2 To provide Members with a proposed Forward Work Programme for 2019/20.

2. EXECUTIVE SUMMARY

- 2.1 A proposed Forward Work Programme is attached, at Appendix 1, for Members to consider and approve.

3. BACKGROUND INFORMATION

- 3.1 Members will be aware that at a previous Licensing Committee in December 2018, Members approved a 12 month Forward Work Programme.
- 3.2 In drafting this Forward Work Programme, Officers have considered the policies relevant to the Licensing committee and the review dates of those policies along with any potential legislative changes being proposed by central government.

4. RECOMMENDATION

- 4.1 For Members to approve the proposed Forward Work Programme, as detailed in the Appendix.

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Licensing Committee
Work Programme 2019/20

Committee Date	Report	Comment
September 2019	Street Collection Policy	Approval
	House to House Policy	Approval
December 2019	Hackney Carriage and Private Hire Vehicle Conditions/Policy	Review
March 2020	Hackney Carriage and Private Hire Vehicle Conditions/Policy	Approval
	Film Classification Policy	Approval

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