

REPORT TO:	Licensing Committee
DATE:	5 th December 2018
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Technical Officer (Licensing) 01824 706433
SUBJECT:	Update on Hackney Carriage and Private Hire Conviction Policy

1. PURPOSE OF THE REPORT

- 1.1 To update Members on the review of the current Hackney Carriage and Private Hire Conviction Policy.
- 1.2 To inform Members of the newly published 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' produced and published by the Institute of Licensing.
- 1.3 To seek Members approval to adopt the Institute of Licensing guidance document.

2. EXECUTIVE SUMMARY

- 2.1 Members have scheduled an update on the progress on the Council's current Hackney Carriage and Private Hire Drivers' Conviction Policy review.

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 Members will recall that at the last meeting of the Committee in September this year, Officers presented an update report on the Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades. The Institute of Licensing guidance can be found at Appendix A.

- 4.2 Members will further recall that Officers initially informed you that out of all North Wales Authorities, only Anglesey were mindful of adopting the Institute of Licensing guidance and it was therefore agreed that Officers further develop and review the Council's current conviction policy
- 4.3 Since the last meeting in September, the All Wales Licensing Technical Panel have met and discussed the Institute of Licensing guidance at length, and it was agreed in principle that each Local Authority should look to adopt the Institute of Licensing conviction policy to ensure consistency across Wales.
- 4.4 In light of the All Wales Licensing Technical Panel's direction to consider adopting the Institute of Licensing guidance, the majority of north Wales Licensing Authorities have indicated that they will be looking to adopt the guidance.
- 4.5 Members are reminded of the purpose for developing such a policy/guidance, specifically to assist in the determination of a fit and proper person so ensuring the protection and wellbeing of the public using licensed vehicles. Although there is no national or statutory published guidance or standards, and as with nearly all other local authorities, Denbighshire does have a policy and guidance on convictions etc for taxi drivers. However, as each local authority develops its own policy, guidance on this matter varies greatly from authority to authority throughout Wales and England, with some being far less stringent than others.
- 4.6 The adoption of the new Guidance produced and published by the Institute of Licensing will go further to enhance the decision making process by Officers and Members on determining the suitability of new applicants and for current licence holders, and in doing so will also result in a degree of national uniformity and to serve the public interest in consistency, certainty and confidence in the licensing system.
- 4.7 Adherence to the Institute of Licensing guidance may also provide protection to licensing authorities on any appeal.

5.0 CONSULTATION

- 5.1 The guidance has been produced in partnership with the Local Government Association (LGA), Lawyers in Local Government and the National Association of Licensing Enforcement Officers and has been subject to a wide ranging public consultation including Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, academics, the Probations Service and the Police.

- 5.2 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, as the proposed guidance document is a national document, and any deviation from this document would create inconsistencies throughout the Country.
- 5.3 Should Members be minded to adopt then Officers are proposing to engage with all existing Licence Holders to inform them of the proposals to adopt the attached guidance document, as it exists.
- 5.4 Officers are further proposing to hold a number of surgeries across the County for licence holders to attend and discuss any part of the guidance document that may affect them individually.

6. **RECOMMENDATION**

- 6.1 That Members adopt the Institute of Licensing guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.
- 6.2 That Members instruct officers to draft a policy which meets the contents of the Institute of Licensing Guidance document and report back to the June 2019 meeting with a view to implementation on the 1st July 2019.
- 6.3 That Officers engage, through correspondence and surgeries across the County, with all existing Hackney Carriage and Private Hire licence holders on the Institute of Licensing guidance document.