

<b>REPORT TO:</b>	Council	
<b>DATE:</b>	27 February 2025	
<b>PORTFOLIO:</b>	<b>Councillor Melissa Fisher - Deputy Leader of the Council (Housing and Communities)</b>	
<b>REPORT AUTHOR:</b>	Licensing Manager on behalf of the Executive Director (Legal and Democratic services) (Ext 2278)	
<b>TITLE OF REPORT:</b>	Rules Regulations and Procedures for Hackney Carriage and Private Hire Licensing - amendment	
<b>EXEMPT REPORT (Local Government Act 1972, Schedule 12A)</b>	<b>No</b>	Not applicable
<b>KEY DECISION:</b>	<b>No</b>	If yes, date of publication:

**1. Purpose of Report**

1.1 To advise members of the outcome of the recent consultation relating to the changes to the taxi licensing policy following the release of the updated Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trade. To seek approval of the new Taxi and Private Hire Licensing Policy.

**2. Recommendations**

2.1 Council approves the attached updated policy.

**3. Reasons for Recommendations and Background**

3.1 The overriding aim of any Licensing Authority when carrying out its functions in relation to the licensing of hackney carriage and private hire drivers, vehicles and private hire operators must be the protection of the public.

3.2 The relevant legislation provides that any person must satisfy the Council that they are a 'fit and proper person' before any licence can be granted and further they must remain 'fit and proper' throughout the period of their licence. To assist the Council in determining whether an individual is a 'fit and proper' person to hold a licence, and for reasons of transparency, so that applicants can be aware of what our requirements are, the Council has had a Convictions Policy for several years. In 2019 the Council adopted in full the Institute Of Licensing ("IOL") Guidance on determining the suitability of applicants in the hackney carriage and private hire trades. This was appended to

the Council's Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing.

- 3.3 The document is intended to provide guidance on determining suitability, taking into account the character of the applicant or licensee. In particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety.' As with any guidance it provides a starting point from which decisions can be made taking into account the particular merits and circumstances of each case. A copy of the existing guidance is attached at appendix 1 to this report.
- 3.4 The IOL has recently amended their policy after extensive national consultation and as such the Councils policy needs to be updated to reflect the changes. Most of the amendments have been made to ensure that the policy fits with any new emerging offences such as those relating to "County Lines" drug dealing etc. A table setting out the amendments to the convictions policy is attached at appendix 2 to this report. Where the paragraphs have been highlighted in yellow it indicates that the provision was already in place and the highlighted text is just an amendment to that provision. It is envisaged that most local authorities in England will adopt the updated guidance as it is widely recognised as best practice and is in line with the DFT Statutory Guidance.
- 3.5 The licensing manager has carried out a consultation with members of the hackney carriage and private hire trade as well as advertising the proposed amendments on the Councils website and inviting comments. There were no representations or objections made
- 3.6 The Policy has therefore been updated to include the changes and to consolidate all of the rules and regulations and the Councils convictions policy into one document. A copy of the proposed policy is attached at appendix 3 to this report

#### **4. Alternative Options considered and Reasons for Rejection**

- 4.1 The Council could take no action and continue with the current Conviction Policy. However this new guidance is the result of an extensive piece of work carried out by highly respected and knowledgeable practitioners and lawyers in the field of licensing and as such is a far more comprehensive guidance than our current policy.

#### **5. Consultations**

- 5.1 A local consultation on all of the proposals in the attached appendix 2 has been carried out with members of the hackney carriage and private hire trade and members of the public. All members of the taxi and private hire trade were written to and asked to submit any representations to the licensing department. The Draft Policy was published on the Councils website with invitations for representations from members of the public and any other stakeholders. The consultation lasted for a period of 6 weeks and any responses would then be brought back to cabinet for consideration. As set out at 3.5 of this report the licensing department did not receive any responses or objections to the proposals.

<b>Financial implications (including any future financial commitments for the Council)</b>	None
<b>Legal and human rights implications</b>	Each case must be determined on its own merits having regard both to the convictions policy and to the facts and circumstances of the specific case. Members are not bound by the terms of the convictions policy and will be able to make exceptions to it if they consider this appropriate. Applicants and existing licensees also have the right to appeal to the magistrates court in respect of the refusal or suspension of a licence.
<b>Assessment of risk</b>	No specific risks have been identified
<b>Equality and diversity implications</b> <i>A <a href="#">Customer First Analysis</a> should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	A Customer First Analysis is attached.

6. **Local Government (Access to Information) Act 1985:**  
**List of Background Papers**

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**Appendix 1 Current Policy**

**Appendix 2 Table of amendments**

**Appendix 3 Updated policy**

**Appendix 4 - Customer first analysis.**