

13 March 2019		ITEM: 5
Licensing Committee		
Guidance on Determining the Suitability of Applicants and Licensees for Hackney Carriage and Private Hire Licences		
Wards and communities affected: All	Key Decision: Key	
Report of: Paul Adams, Joint Licensing Manager		
Accountable Assistant Director: Andy Millard, Assistant Director of Planning, Transportation and Public Protection.		
Accountable Director: Steve Cox, Corporate Director of Place		
This report is Public		

Executive Summary

The Institute of Licensing has produced in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades.

This report is to consider that guidance with a view to reviewing the Councils Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters.

1. Recommendation(s)

- 1.1 That the Licensing Committee considers the guidance and agrees for the Councils Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters to be reviewed and amended in line with the guidance. The revised policy to then go for public consultation, with the consultation response to be returned to this committee for consideration.**

2. Introduction and Background

- 2.1** The Institute of Licensing has produced in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), guidance on determining the suitability of applicants and licensees in the

hackney carriage and private hire trades. A copy of the draft guidance is attached as **Appendix 1**.

- 2.2 Thurrock Council has a Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters, which was last reviewed in April 2016. A copy is attached as **Appendix 2**.

3. Issues, Options and Analysis of Options

- 3.1 The current policy is only relevant for Hackney Carriage and Private Hire Drivers, and does not include Private Hire Operators or Vehicle Proprietors. It is intended as part of the review to extend the policy to encompass these two other licence types.
- 3.2 The guidance is broadly similar to the current policy; it does simplify the list of offences and reflects the changes in penalties particularly around motoring convictions involving using hand-held telephones or other similar devices.
- 3.3 If members are in agreement with revising the Council's Policy in line with the guidance, the reviewed policy will be subject to public consultation, with all responses and the revised policy coming back to this committee for consideration before adoption.

4. Reasons for Recommendation

- 4.1 Responses to consultation will need to be considered before Council approves amendments to the policy.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 There is no statutory requirement for consultation in relation to this matter, however good practice recommends consultation, allowing licence holders to respond to the changes.

6. Impact on corporate policies, priorities, performance and community impact

None

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Management Accountant

There are no direct financial implications arising from this report.

7.2 Legal

Implications verified by: **Simon Scrowther**
Principal Solicitor – Litigation and Employment

There are no legal implications of this report.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer

Consultation on a revised policy will allow for views of the community to be considered against the public protection responsibility.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- Appendix 1 –IOL Guidance on Determining the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trades.
- Appendix 2 – Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters.

Report Author:

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