

LICENSING COMMITTEE

Hackney Carriage and Private Hire Licensing

Guidance on Determining the Suitability of Applicants and Licensees for Hackney Carriage and Private Hire Licences. 29th August 2019

Report of Licensing Manager

PURPOSE OF REPORT

The report seeks Members' approval of the adoption of guidance issued by the Institute of Licensing entitled "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades".

The guidance was the catalyst for creating an all-encompassing document that contains all the criteria for applicants wishing to enter the hackney carriage and private hire trades.

Highlighted in this report are the key areas of change or development for members to consider.

This report is public.

RECOMMENDATIONS

It is recommended that Members consider adopting the Guidance on determining the suitability of applicants and licensees for Hackney Carriage and Private Hire Licences with immediate effect.

1.0 Introduction

- 1.1. On 26th April 2018 the Institute of Licensing (IoL) launched guidance to assist local authorities in making decisions about the suitability of applicants and licensees in connection with taxi and private hire driver vehicle and operator licences.
- 1.2. The guidance is intended to be used by local authorities as a basis for their own local policies and if widely adopted would achieve greater consistency so that applicants were less able to shop between authorities. That level of consistency could not be fully achieved without the imposition of national minimum standards.
- 1.3. The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount those seeking a living in the trades meet the required minimum standards as set out in the published guidance.
- 1.4. Attached at **Appendix 1** is the IoL Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.

2.0 Background

2.1 Currently staff, applicants and existing licence holders use the following documents as guidance and reference points;

- Rules, regulations and procedures for hackney carriage and private hire licensing (**Appendix 2**) and;
- Statement of policy and guidelines relating to the relevance of convictions, formal/simple cautions, complaints and other matters which may impact on the granting or renewal of a licence (**Appendix 3**).

2.2 The documents contain application information, hackney carriage bye-laws, the code of conduct for hackney carriage and private hire drivers and conditions of licence for vehicles, drivers and operator licences.

The policy statement regarding the relevance of convictions etc. sets out the minimum standard Lancaster City Council expects of new applicants and existing licence holders operating within the trade.

2.3 The licensing manager and members of the licensing team find that the documents are not set out well and cannot be easily referenced, furthermore those involved in the trades do not use the documents as intended and are not aware of the important content.

3.0 Guidance and Policy Updates

3.1 The proposed guidance on determining the suitability of applicants and licensees for hackney carriage and private hire licences is attached at **Appendix 4**.

3.2 The proposed guidance is split into 10 sections and forms the basis for Officers and the Members of Licensing Committee on the way in which an applicant's fitness will be considered. However, it is important to note that every application **must** be treated on its own merits, and the contents of the document will not bind the Council, its Officers or the Committee.

3.3 Listed below are the changes to existing guidance or adopted policy. It is recommended that this document supersede any other adopted application procedures or acceptable standards.

- Provision of driving test by local provider Lancaster Training Services
- Updated medical form and validity period
- Introduction of mandatory DBS update service and validity period
- Section 8 - Removal of lists of Crimes/Update provides categories of crime Rehabilitation periods have been reduced for some categories of crime.
- Section 3 – Character and licence history section
- The introduction of minimum standards (basic DBS certificates) for vehicle proprietors and private hire operators.

3.4 Hackney Carriage bye-laws, codes of conduct and vehicle, driver and operator conditions will be given to the licence holder upon grant of their licence, but will be viewable online at all other times. These will be reviewed and updated in due course.

4.0 Consultation

- 4.1 A 14-day direct consultation with the licensed trade has been conducted between Monday 22nd July to Sunday 4th August 2019 by way of letters being sent to existing driver, vehicle and operator licence holders, all elected members and the document and consultation details were made available on the licensing section of the Council's website throughout the 14 days.
- 4.2 Through the consultation period licensing received two responses for consideration. A copy of the consultation responses are attached at **Appendix 5** and **Appendix 6**.
- 4.3 Caroline Jackson, bulk ward councillor stated:

I welcome the introduction of the mandatory DBS update on validity and the requirement for DBS for vehicle proprietors and private hire operators.

Ron and Pauline Gardner, private hire operators stated:

I have read through the above consultation and mainly agree with the checks being carried out in respect of those involved in the trade.

I trust once the consultation is completed the measures introduced will be made public. The safer our passengers feel will hopefully have an allover beneficial effect on the trade.

Other operational licensing matters that require taking into account were raised by Mr. and Mrs. Gardner including ensuring the transparency and ease of applications, making all information available on the licensing section of the Council's website and regular reviews and updates. Some of the points raised are not applicable to the consultation and will be responded to directly by the licensing manager.

5.0 Options

Options available to Members include:

- a) Adopt the guidance attached at **Appendix 4** as set out;
- b) Amend any section or requirement outlined in the guidance
- c) Reject the guidance document, in favour of existing guidance and policy.

6.0 Conclusion

- 6.1 The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver. Are they honest? Are they competent? Are they safe? Are they trustworthy? When we transact with others, we usually have time and opportunity to make such assessments. When we transact with taxi drivers, we do not. Therefore, we must, and do, rely on the licence as the warranty of the drivers' safety and suitability for the task at hand.

- 6.2 The licensing authority has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey the passenger from A to B in safety. The passenger may be you, or an elderly mother, or your teenage daughter, or a person who has too much to drink, or who is vulnerable for a whole host of reasons.
- 6.3 The licensing authority are not required to strike a balance between the driver's right to work and the public's right to protection. The licensing authority is entitled and bound to treat the safety of the public as the paramount consideration.
- 6.4 Members are asked to consider the proposals set out in this report and consider the consultation responses when reaching their decision on whether to update existing guidance and application procedures.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The proposed policy does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

LEGAL IMPLICATIONS

Legal Services have been consulted and have no further comments.

BACKGROUND PAPERS

None

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