

DEPARTMENT: ENVIRONMENT AND LEISURE

ORIGINATING SECTION : PUBLIC PROTECTION SERVICE

REPORT TO : LICENSING COMMITTEE

30:10:18

TITLE : Adoption of the Institute of Licensing “Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades”

1. PURPOSE

To inform members of the Institute of Licensing “Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades” with a view to adopting its use in Blackburn with Darwen Borough Council.

2. RECOMMENDATIONS

That members note the report and direct officers to consult on the necessary amendments to Policy for the adoption of the Institute of Licensing “Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades”.

3. KEY ISSUES

The guidance has been produced by the Institute of Licensing (IOL) working in partnership with the Local Government Association (LGA), Lawyers in Local Government and the National Association of Licensing and Enforcement Officers. It was produced in April 2018 following widespread consultation - Blackburn with Darwen contributed to the consultation.

The guidance, attached as Appendix 1, gives an overview of offenders and offending and the risks of reoffending. It also gives an overview of taxi licensing focusing on drivers, operators and vehicle proprietors. It states that there is a need for each of the three to have been deemed fit and proper to hold licences.

The main impact of adopting the good practice as detailed in the Guidance is the introduction of the requirement for Basic DBS disclosures for operators and vehicle proprietors. Consultation would take place with members of the trade who would be affected by any change to current policy.

4. RATIONALE

The overriding aim of Licensing Authorities when carrying out its functions relating to licensing of hackney and private hire drivers, operators and vehicles must be the protection of the public and others who use hackney carriage and private hire services.

The authority must satisfy itself that applicants and licensees are fit and proper to hold a licence. This involves the committee making decisions after examining in detail their entire character in order to make a judgement as to their fitness and propriety.

The IOL document is intended to provide guidance on determining this

suitability. With a view to improve transparency and consistency on licensing decisions the Institute of Licensing have recommended that the Guidance be incorporated into Licensing Authority policies and procedures.

Blackburn with Darwen Borough Council carried out a major review its Hackney Carriage and Private Hire Licensing Policy in 2017. The current policy is published on the Council's website

<http://www.blackburn.gov.uk/Taxi%20licences/HC-and-PH-Policy.pdf>

This review brought the policy up to date at that time, therefore, there are relatively few additional changes needed to bring policy in line with the IOL Guidance. The main changes proposed are the introduction of Basic DBS Disclosure checks for applicants for Private Hire Operators and Vehicle Proprietors Licences.

Other areas of change are the number of years free from certain convictions applicants for licences would normally be expected to be before a licence would be issued. The proposed changes are as follows:

Offence type	Current	Change to
Exploitation	Not separately listed	Never issue a licence
Violence	3, 5 or 10 years depending on offence	10 years
Possession of weapon	5 or 7 years depending on offence	7 years
Dishonesty	3 or 5 years depending on offence	7 years
Discrimination	Not separately listed	7 years
Motoring - 7 points + or a major traffic offence	2 to 5 years depending on offence	5 years
Drink/drug driving	2 to 5 years depending on offence	7 years
Use of mobile phone whilst driving	1 year	5 years

For other offence types Blackburn with Darwen Borough Council's current policy is in line with the IOL Guidance.

5. POLICY IMPLICATIONS

Blackburn with Darwen Borough Council's Taxi Licensing Policy will need to be up dated to reflect changes brought about by the adoption of the Institute of Licensing Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades.

6. FINANCIAL IMPLICATIONS

Any financial costs incurred through the adoption of the Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades use will be taken into account when calculating fees for taxi related licences.

7. LEGAL IMPLICATIONS

Theoretical risk of legal challenge if processes or procedures are not

followed.

8. RESOURCE IMPLICATIONS

Existing staff in the Public Protection Service will undertake the associated work in adopting the guidance.

9. CONSULTATIONS

If the Licensing Committee is minded to introduce the guidance, officers will consult on the document with the taxi trade.

10 . CONTACT OFFICER

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