

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date 18 June 2019

Report of: Head of Environmental Health

Subject: **ADOPTION OF INSTITUTE OF LICENSING GUIDANCE ON
DETERMINING THE SUITABILITY OF APPLICANTS AND
LICENSEES IN THE HACKNEY AND PRIVATE HIRE TRADES**

SUMMARY

In April last year the Institute of Licensing (IOL) published 'Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades'. This was in response to concerns about the disparity in the criteria used by local authorities across the country to determine the suitability of applicants for hackney carriage and private hire licenses. This report seeks to replace the existing guidance on suitability with this new higher standard.

RECOMMENDATION

It is recommended that the Licensing and Regulatory Affairs Committee:

- (a) approves the adoption of the Guidance published by the Institute of Licensing to replace the Council's current guidance on convictions included in the Hackney Carriage/Private Hire Licensing Conditions and Procedures Handbook; and
- (b) agrees that the Handbook is amended to reflect this change.

INTRODUCTION

1. Fareham Borough Council administers and issues licences for hackney carriage and private hire vehicles, drivers and operators as part of its regulatory role.
2. Under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 the Council shall, on receipt of an application from any person for the grant to that person of a licence to drive private hire and/or hackney carriage vehicles, grant to that person a driver's licence provided that the Council shall not grant a licence unless they are satisfied that the applicant is a 'fit and proper' person to hold a driver's licence.
3. The Institute of Licensing (IOL) has published Guidance in response to concerns about the disparity in the criteria used by local authorities across the country to determine the suitability of applicants for hackney carriage and private hire licenses. The IOL believes that widespread adoption of this Guidance would effectively achieve a level of consistency when considering such applications.

ISSUES FOR CONSIDERATION

4. The overriding aim of the Council's Licensing Team, when carrying out its licensing functions in respect of the private hire and hackney carriage trade, is the protection of the public.
5. In the absence of any recent national guidelines, the IOL has produced guidance on determining the suitability of operators, drivers and vehicle proprietors and intends to provide assistance in determining whether an individual is a 'fit and proper' person to hold a licence. A copy of the Guidance is attached to this report as Appendix A.
6. In order to ensure consistency and be using the most up to date guidance it is suggested that this new guidance be adopted by Fareham Borough Council.
7. A copy of the current Guidelines Relating to the Relevance of Convictions is included as Appendix B to this report. This guidance has been in place for a number of years and its origin is uncertain.
8. This proposed change would not affect the current pre-requirement regarding the need for applicants to undergo the following checks and assessments:
 - Foreign Residency Check
 - Enhanced Disclosure and Barring Service (criminal record) Check;
 - DVLA Group 2 Medical Standard of Fitness to Drive;
 - Blue Lamp Trust Driving Assessment;
 - Local Knowledge Test

CONSULTATION

9. The IOL Guidance Relating to the Consideration of the Grant, Renewal or Review of Hackney Carriage and Private Hire Drivers' Licences has been published in consultation with, and with the endorsement of, the Local Government Association, Lawyers in Local Government, and the National Association of Licensing and Enforcement Officers, following a widespread consultation process.

RISK ASSESSMENT

10. There are no significant risk considerations in relation to this report

CONCLUSION

11. The Institute of Licensing has produced guidance on the determination of suitability which is intended to provide assistance in determining whether an individual is a 'fit and proper' person to hold a licence.
12. It is suggested that the Licensing and Regulatory Affairs Committee considers this new guidance.

APPENDICES

- Appendix A:** Institute of Licensing Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades.
- Appendix B:** Fareham Borough Council's Guidelines to the Relevance of Convictions.

Enquiries:

For further information on this report please contact Ian Rickman. (Ext 4773)