



Licensing and Regulatory Committee	Thursday, 12 July 2018	Matter for Information and Decision
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Report Title: Adoption of Institute of Licensing "Fit and Proper" Criteria

Report Author(s): Tracey Aldwinckle (Licensing Enforcement Officer)

Purpose of Report:	The purpose of this report is for Members to consider the guidance issued by the Institute of Licensing regarding the suitability of applicants and licensees in the hackney and private hire trades.
Report Summary:	The Institute of Licensing and its partners encourage the adoption of the guidance as a means of standardising the approach to the grant of licences across the country to ensure consistency and transparency in decision-making.
Recommendation(s):	<p>A. That the Institute of Licensing's guidance entitled 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' be adopted; and</p> <p>B. The Head of Law & Governance / Monitoring Officer be given delegated authority, following consultation with the Chair and Vice-Chair of the Committee, to review the Council's Hackney Carriage and Private Hire Licensing Policy and the Guidelines on Relevant Convictions contained therein to ensure there is a consistent approach to that advocated in the Guidance.</p>
Responsible Strategic Director, Head of Service and Officer Contact(s):	<p>Anne Court (Interim Chief Executive) (0116) 257 2602 anne.court1@oadby-wigston.gov.uk</p> <p>David Gill (Head of Law & Governance / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk</p> <p>Tracey Aldwinckle (Licensing Enforcement Officer) (0116) 257 2689 tracey.aldwinckle@oadby-wigston.gov.uk</p>
Corporate Priorities:	Effective Service Provision (CP2) Green & Safe Places (CP4)
Vision and Values:	Accountability (V1) Customer Focus (V5)
Report Implications:-	
Legal:	The adoption of the national guidance would promote consistency and transparency in the decision making process.
Financial:	There are no implications arising from this report.

Corporate Risk Management:	Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable at this stage.
Human Rights:	A decision to revoke, suspend or refuse to renew a licence will engage the licensee's rights under the Human Rights Act 1998.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	In preparing this document, the Institute of Licensing Working Party consulted with and considered the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.
Background Papers:	Hackney Carriage and Private Hire Licensing Policy (July 2013)
Appendices:	1. Guidance of the Institute of Licensing (April 2018)

1. Background

- 1.1 In April 2018, the Institute of Licensing published a document entitled "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades" ("the Guidance"). A copy of the Guidance is attached at **Appendix 1**.
- 1.2 The Guidance has been produced in conjunction with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO) following widespread consultation.
- 1.3 The Guidance has been produced because there is no recent statutory or ministerial guidance on how Committee's, Sub-Committee's and/or Officers should make a determination on whether an applicant or licensee is a "fit and proper person".
- 1.4 The intention is to provide guidance on determining suitability, taking into account the character of the applicant or licensee and that it be used as a basis for the Council's own policies and in particular how regard should be had in the antecedent history of the applicant or licence holder and its relevance to their "fitness and propriety" or "character".
- 1.5 The Guidance is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. The Council aims to be a well-managed Council providing efficient service based on identified customer needs and consideration of this issue will enhance this.

2. Issues

- 2.1 As the Committee is aware, the Council has a comprehensive Policy for the Licensing of Hackney Carriage Drivers and Vehicles Private Hire Operators, Drivers and Vehicles and a

Statement of Policy and Guidelines on Relevant Convictions etc. which were approved or recommended by the Committee in July 2013. Having reviewed these against the Guidance, they mirror its intent on the majority of issues but a different approach is taken in the Guidance on several issues: such as the requirement for DBS checks for vehicles licence holders and the imposition of conditions requiring Private Hire Operators to check the suitability of those who they employ to work in the office taking bookings.

- 2.2 The importance of a consistent approach with other authorities is recognised and it is proposed that the Committee adopt the Guidance and authorise the Head of Law & Governance / Monitoring Officer to review the Council's Hackney Carriage and Private Hire Licensing Policy and the Guidelines on Relevant Convictions contained therein to ensure there is a consistent approach to that advocated in the Guidance. The amended documentation will be brought back to Committee for approval at a later date.