

PUBLIC PROTECTION LICENSING COMMITTEE

Minutes of a meeting held on 3rd September, 2019.

Present: Councillor J.W. Thomas (Chairman); Councillors Mrs. J. Aviet, R. Crowley, Mrs. P. Drake, Dr. I.J. Johnson, K.F. McCaffer, Mrs. A. Moore, M.G.J. Morgan, Mrs. J.M. Norman, Mrs. R. Nugent-Finn, L.O. Rowlands and Mrs. M.R. Wilkinson.

230 APOLOGIES FOR ABSENCE –

These were received from Councillors Mrs. J.E. Charles, O. Griffiths and Ms. M. Wright.

231 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 2nd July, 2019 be approved as a correct record.

232 DECLARATIONS OF INTEREST –

No declarations were received.

233 REVISED GUIDANCE ON DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES IN HACKNEY AND PRIVATE HIRE TRADES (DEH) –

The Licensing Policy Officer presented the report the purpose of which was to present revised guidance on determining the suitability of applicants and licensees in Hackney and Private Hire Trades.

At the Public Protection Licensing Committee meeting on 4 June, officers of the Shared Regulatory Services presented a report seeking authorisation to consult with the local taxi trade on proposed guidance on determining the suitability of applicants and licensees in the hackney and private hire trades. If implemented, this would replace the current policy which had been in place since 2013. A copy of the proposed guidance was attached at Appendix A.

In April 2018, the Institute of Licensing (IoL) published a document titled “Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades” (“the IoL Guidance”). A copy of the IoL Guidance was attached at Appendix B.

The IoL Guidance was 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.

At a recent meeting of the Wales Licensing Expert Panel the document was considered and endorsed with the recommendation that all Welsh authorities approved and implemented the IoL Guidance, replacing their current guidelines/policy. Many authorities in England and Wales had already adopted the new policy and others were in the process of doing so.

In February 2019, the Department for Transport (DfT) published a consultation document, titled Taxi and Private Hire Vehicle Licensing: Protecting Users Statutory Guidance for Licensing Authorities (consultation version). Annex A of the document related to previous convictions guidance and recommended local authorities adopt the IoL Guidance.

Paragraph 2.50 of the consultation document states:

“In response to concerns raised by stakeholders and to assist in greater consistency in licensing, Annex A provides the Department’s recommendations on this issue. This draws on the work of the IoL, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and PHV licensees. These periods should be taken as a minimum before a licence should be granted or renewed in all but truly exceptional circumstance. The Department’s view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that each case must be considered on its own merits, and applicants are entitled to a fair and impartial public hearing of their application if required.”

At the meeting on 4 June, a Member asked officers to provide a table cross referencing the changes between the old policy and new guidance when sending the documentation out for consultation. As the proposed guidance did not list specific offences, it was not always directly comparable. However, a comparison table showing a list of offences with the current and proposed timescales was attached at Appendix C.

Officers had sent details of the report, proposed guidance and the comparison table to the Vale of Glamorgan Taxi Association seeking their comments. The Licensing Policy Officer advised that the Licensing Department had received an email from the Taxi Association outlining support for the revised guidance in principle but there was a concern regarding the effect on previous applications determined by the Committee. In reply, the Committee noted that the new guidance would not affect past applications but would be considered for new applicants and future cases where the Committee were be asked to determine whether a driver was a fit and proper person.

A Committee Member queried the impact on the business of the Licensing Committee. In reply, the Licensing Policy Officer stated that it was likely that more cases would be presented before the Committee as the new guidance was more stringent. This was in line with the IoL published document from which the revised guidance had been based upon.

The Chairman stated that for an application to come before the Committee, it would take a particular set of circumstances that went against the policy.

Overall, there was a consensus among the Committee in support of the revised guidance and subsequently, it was

RESOLVED –

(1) T H A T the guidance document detailed at Appendix A be endorsed and for this to replace the previous Taxi and Private Hire Licensing Policy – Fitness Criteria for Drivers and Operators.

(2) T H AT the revised policy to apply to all transgressions not yet considered with immediate effect.

Reason for decisions

(1&2) Having considered the draft policy which had been produced in conjunction with the standards as prepared by the Institute of Licensing in collaboration with the Local Government Association (LGA), National Association of Licensing and Enforcement Officers (NALEO) and Lawyers in Local Government (LLG).