

**Telford & Wrekin Council**

**Licensing Committee –29th October 2019**

**Review of the Council’s Hackney Carriage and Private Hire licensing Policy for Determining the Suitability of a Person to hold a Licence**

**Report of the Service Delivery Manager, Public Protection**

**1. Purpose**

- 1.1 For Members to approve a consultation on the revision to the Council’s Hackney Carriage and Private Hire Vehicle Licensing Policy for Determining the Suitability of a Person to hold a Licence.

**2. Recommendations**

Members to approve:

2.1 A 28 day consultation on the revised policy.

2.2 That the Public Protection Manager, Principal Licensing Officer in conjunction with the Chair of Licensing Committee consider and determine the results of the consultation, unless the responses are significant and require determination by the Committee.

2.3 Following consultation and where there is no requirement to bring the policy back before the Committee, the revised policy will take effect from 1<sup>st</sup> January 2020.

**3. Summary**

- 3.1 In April 2018 the Institute of Licensing published a “Guidance on determining the suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trades”. Telford & Wrekin Council’s policy has been reviewed and amended against that guidance

**4. Previous Minutes**

- 4.1 LC-15 20<sup>th</sup> December 2016

## **5. Information**

### **5.1 Background**

- 5.1.1 Telford & Wrekin Council has responsibility for licensing Hackney Carriage and Private Hire Vehicles, Drivers and Operators within the Borough of Telford & Wrekin with the primary aim of protecting the public.
- 5.1.2 In April 2018, the Institute of Licensing published a “Guidance on determining the suitability of Applicants and Licensees in the Hackney and Private Hire Trades” in partnership with the Local Government Association after consultation with interested parties.
- 5.1.3 The Council’s Hackney Carriage and Private Hire Vehicle Licensing Policy for Determining the Suitability of a Person to hold a Licence has been reviewed and amended using the guidance as a basis.
- 5.1.4 The Council’s revised policy is attached at **Appendix A**. A summary of the main changes to the policy can be found in **Appendix B**.

### **5.2 Equal Opportunities**

- 5.2.2 This report continues to protect vulnerable individuals who share protected characteristics.

### **5.3 Environmental Impact**

- 5.3.1 There is no environmental impact arising from this report.

### **5.4 Legal Comment**

- 5.4.1 The Council has a duty to provide for the licensing of hackney carriages under the Town Police Clauses Act 1847 and under the relevant adopted provisions of the Local Government (Miscellaneous Provisions) Act 1976. In addition, the adopted provisions of the 1976 Act mean that the Council must provide for the licensing of private hire drivers, vehicles and operators.
- 5.4.2 There is no legal requirement for a policy, however it is best practice and the policy documents serve to outline for drivers and operators the Council’s licensing powers under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.
- 5.4.2 Before issuing any policy or amendments the authority has an implied duty, and it is good practice to do so in line with the Department for Transport’s ‘Taxi and Private Hire Vehicle Licensing: Best Practice Guidance’ (March 2010) to consult all relevant parties. A licensing

policy must be reasonable and proportionate. However, the proposed policy cannot fetter the Council's discretion and each application of enforcement matter will be judged on its own merits whilst having regard to the policy ensuring a transparent and consistent approach to licensing that would reduce the opportunity for challenge through the Courts.

## **5.5 Links with Corporate Priorities**

This report has links to the following Corporate Priorities:

- Protect and Create Jobs as a Business Winning Council
- Protect and support our vulnerable children and adults

## **5.6 Opportunities and Risks**

5.6.1 In proposing this action the Corporate Risk Management Methodology has been complied with.

5.6.2 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.

- (i) The Financial risks to the Council in the event of a legal challenge to the change in Policy.

## **5.7 Financial Implications**

5.7.1 Costs associated with consultation of the change in Policy will be met from within existing budgets in Public Protection. As outlined in paragraph 5.6.2 there is a risk of costs to the Council should the change in policy be legally challenged however these costs are difficult to quantify. The license fee for Hackney Carriage and Private Hire Vehicles is calculated on a cost recovery basis and will have accounted for staff time required to undertake the person's suitability to hold a license.

## **6. Ward Implications**

6.1.1 This report has implications for all wards in the Borough.

## **. Background Papers**

7.1.1 Local Government (Miscellaneous Provisions) Act 1976.

7.1.2 Town Police Clauses Act 1847

7.1.3 Telford & Wrekin Council's Taxi (Hackney Carriage) and Private Hire Licensing Policy for Determining the Suitability of a Person to hold a Licence – 1<sup>st</sup> April 2017

7.1.4 Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades – Institute of Licensing April 2018

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