



Report of the Licensing and Food & Safety Manager

General Licensing Committee - 11 January 2019

Review of Suitability Guidance for Applicants and Licensees of the Hackney Carriage and Private Hire Trades

1. Purpose of Report

- 1.1 For Members to consider the introduction of new guidance to assist in determining the suitability of taxi and private hire applicants and licence holders by the City and County of Swansea, subject to consultation with the hackney carriage and private hire trades and other interested parties.

2. Background

- 2.1 Members will be aware, the authority currently uses guidance issued by the Home Office in 1992, to determine applications from new and existing licence holders where the applicant has convictions. These guidelines are outlined in the body of each of the General Licensing Committee reports, to assist Members in determining the application. A copy of this guidance is attached at Appendix A.

3. Proposal

- 3.1 In April 2018, the Institute of Licensing (IOL) published a new document '*Guidance on determining the suitability of applicants and licensees in the hackney and Private Hire Trades*', a copy is attached at Appendix B.
- 3.2 This new document was produced by the IOL in collaboration with the Local Government Association (LGA), National Association of Licensing and Enforcement Officers (NALEO) and Lawyers in Local Government (LLG) and has been the subject of widespread consultation nationally.
- 3.3 At a recent meeting of the Wales Licensing Expert Panel this document was considered and endorsed with the recommendation that all Welsh authorities approve and implement the guidance to replace their existing guidelines.

Many authorities in England and Wales have already adopted the new guidance and others are in the process of doing so.

- 3.4 Members will note, Chapter 4 of the attached document, from paragraph 4.6 onwards, forms the key guidance to Members on determining suitability of applicants and licensees. It must be noted however, that whilst Members will refer to the guidance, each case must be determined on its own merits having taken into account the report and any oral representations. Members may also depart from the guidance where circumstances in a particular case warrant it.
- 3.5 It is proposed that the '*Guidance in determining the suitability of applicants and Licensees in the Hackney Carriage and Private Hire trades*' set out in Appendix B is adopted. Before the guidance is adopted, members of the hackney carriage and private hire trades and other interested parties must be consulted regarding the proposal.

4. Recommendations

It is recommended that:

- i) A consultation is undertaken with the members of the hackney carriage and private hire trades and other interested parties on the proposal to adopt the '*Guidance in determining the suitability of applicants and Licensees in the Hackney Carriage and Private Hire trades*'; and
- ii) A report detailing the outcome of the consultation is presented to Members for consideration and decision.

The Licensing Committee's instructions are requested.

Background Papers: Licence Application
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