



Report of the Service Manager

General Licensing Committee - 10 January 2025

Proposal to Update the Suitability Guidance – Guidance to Determine the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Industry

1.0 Purpose of the Report

- 1.1 The purpose of this report is to seek approval for the Licensing Authority to conduct a consultation exercise in relation to a proposal to update the '*Suitability Guidance – Guidance to determine the suitability of applicants and licensees in the hackney carriage and private hire industry*' which is used by this Authority, when considering the suitability of taxi and private hire applicants and licence holders.

2.0 Background

- 2.1 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 A**.
- 2.2 This 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 had been the subject of widespread consultation nationally.
- 2.3 The Guidance was and is intended to assist local licensing authorities in considering their own local licensing policies on determining the suitability of applicants and licence holders for taxi and private hire licensing. It was well received among such authorities generally, with many updating or reviewing their policies by incorporating the guidance in part or in whole, ahead of or subsequent to the publication of the DfT standards. The Guidance has been successfully cited in courts where it has been so incorporated by authorities and as a stand-alone reference.
- 2.4 In Wales, this Guidance also formed part of the Welsh Government Guidance for local authorities to ensure operators and vehicle drivers meet licensing requirements.

- 2.5 Members may recall, this document was introduced to take effect in Swansea from 1st August 2019, following consultation with both the trade and interested parties and is used to determine the suitability of all applicants and licensees by both Members of the General Licensing Committee and by officers, under delegated authority.
- 2.6 The IOL recognised that the Guidance would require to be kept up to date and reformed the initial suitability working group to review the document but due to the pandemic, work was delayed. Work recommenced in 2022, through to 2024. During this time, two consultations were undertaken with the trade and interested parties, on a national level. The review concluded in November 2024 when the revised document was published. The revised guidance is attached at **Appendix B**.
- 2.7 The revised Guidance is set out in the same way as the original document as follows –
- Chapter 1 provides an introduction to the Suitability Guidance.
 - Chapter 2 provides an overview of Offenders, Offending, Re-offending and Risk of Harm.
 - Chapter 3 provides an overview of Taxi and Private Hire Licensing
 - Chapter 4 provides the Guidance on Determination.
- 2.8 Members will note, Chapter 4 of the document 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 exceptional and justifiable circumstances in a particular case warrant it.

3.0 Proposal

- 3.1 It is proposed that –
- the ‘Guidance in determining the suitability of applicants and licensees in the hackney carriage and private hire industry 2024’, attached at **Appendix B** is adopted.
 - Prior to adoption, members of the hackney carriage and private hire trades and other interested parties are consulted regarding the proposal.
- 3.2 If Members are minded to approve the proposal, a consultation with those likely to be affected by the changes, will take place.
- 3.3 It is proposed that the following groups will be consulted:
- Hackney carriage and private hire vehicle proprietors and drivers
 - Representatives from the hackney carriage and private hire

trades

- Unite Union
- Representatives of Equality groups
- Members of the public via Swansea Council social media posts

3.4 It is proposed that the consultation will be open for a period of 4 weeks, after which a report detailing the outcome of the consultation will be presented to Members for consideration and decision.

4.0 Recommendation

It is recommended that:

- 4.1 Members approve the consultation exercise, seeking views on the proposal to update the '*Suitability Guidance – Guidance to determine the suitability of applicants and licensees in the hackney carriage and private hire industry*', detailed in paragraph 3 of the report.
- 4.2 If approved, a subsequent report will be presented to this committee, detailing the outcome of the consultation, for consideration and decision.

The Licensing Committee's instructions are requested.

Background Papers:	None
Contact Officer:	Yvonne Lewis
Extension:	5600
Legal Contact:	Craig Davies