

**TITLE OF REPORT:** **Guidance on determining suitability of applicants and licensees in the hackney and private hire trades**

**REPORT OF:** **Mike Barker, Strategic Director Corporate Services & Governance**

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### **Purpose of the Report**

1. To inform Members of the Regulatory Committee of new guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire trades.

### **Background**

2. Members will be aware that under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, applicants for certain Hackney Carriage and Private Hire licences must be 'fit and proper', and that licensees must remain 'fit and proper' throughout the currency of their licence failing which their licence may be suspended or revoked.
3. The Act does not specify the criteria by which a person's fitness and propriety shall be assessed, however in 1992 the Home Office and Department for Transport issued joint guidance regarding the relevance of convictions to a person's suitability to be licensed. It is widely acknowledged that the 1992 guidance is outdated, and the Home Office and Department for Transport have been invited to formally withdraw it in light of the fact that there is an apparent and unjustifiable inconsistency between those Councils that continue to rely on the guidance and those that have implemented their own policies which invariably take a less lenient approach regarding matters of serious criminal conduct.
4. Gateshead Council last revised its policy in 2015, and has worked closely with the Local Government Association in respect of its best practice guidance - <https://www.local.gov.uk/councillor-handbook-taxi-and-phv-licensing>
5. On 26 April 2018 the Institute of Licensing published guidance which has been produced in conjunction with Lawyers in local Government, the Local Government Association and the National Association of Licensing Enforcement Officers. It is hoped that Councils will use the new guidance as the basis of reviewing their existing policies or introducing new policies where they are currently relying on the 1992 guidance, to achieve a greater degree of consistency across the country - <https://www.instituteoflicensing.org/NewsJobsArticle.aspx?NewsOrJob=news&NewsID=11318>
6. The guidance is appended to this report.

## **Recommendations**

7. The Committee are requested to note the content of this report.

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