

**Report of the Service Director to the  
General Licensing Regulatory Board  
to be held on the 17 April 2024**

**Policy Update**

**1. Purpose of Report**

The purpose of this report, is to inform Members and seek approval to amend Appendix J of the Council Taxi and Private Hire Policy which specifically provides guidance to assist with the assessment of suitability with regard to all Private Hire Driver, Private Hire Vehicle Proprietor, Hackney Carriage Driver, Hackney Carriage Vehicle Proprietor and Private Hire Operator Licences.

**2. Background**

In March 2022, the Council approved revised guidelines to help Members to consider applications where criminal convictions are involved. The purpose of Appendix J is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

**3. Current Position**

The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability, it is essential that the decision maker considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.

Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.

Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

The current policy does not specifically address re-applications following the refusal or revocation of any licence.

The process of issuing an immediate revocation to a Private Hire or Hackney Carriage driver is only exercised in the most extreme circumstances.

Where there is deemed to be an immediate danger to the public, Officers must act immediately in the interests of public safety.

The current policy does not support the severity and seriousness of a revocation and the work of Officers and Elected Members when dealing with such serious cases.

The current policy allows that an unrestricted re-application can be made following a revocation.

It has become apparent that there should be a significant amount of time for someone who was subject to a revocation to have changed their personal circumstances to such an extent that Officers can be satisfied they are fit and proper to hold a licence. Applicants need to be able to confidently prove that they have changed significantly and show adequate evidence that they are fit and proper.

#### **4. Proposal**

To immediately revoke is defined as:

***To take back something for an indefinite period of time***

Our Taxi and Private Hire policy needs to reflect the severity of an immediate revocation and support the work of Licensing Officers and Elected Members. The policy also needs to allow sufficient time for re-applicants to change their circumstances and actively prove to Officers that they are fit and proper.

As such Members are asked to approve the amendment to Appendix J of the Council guideline policy to read:

**Re-application following refusal or revocation.**

***Where a Licence has been refused or revoked by the Council (or another Local Authority) a further application will be refused if received within five years from the date of the refusal/revocation, or the conclusion of any appeal process following refusal/revocation as it will be deemed that the persons circumstances will not have changed significantly within that period to make them 'fit and proper'.***

#### **5. Recommendation**

That Members approve the amendment to Appendix J of the Councils Taxi and Private Hire Policy with immediate effect.

#### **6. Officer Contact**

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