

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Registration and Licensing Committee

29 July 2019

Report of the Head of Legal Services – C.Griffiths

Matter for Decision

Wards Affected

All Wards

Taxi Licensing Policy Appendix B (fitness criteria for prospective and existing drivers and operators)

Purpose of the Report

1. To consider replacing the existing fitness criteria for prospective and existing drivers and operators, subject to consultation with interested parties.

Executive Summary

2. The institute of Licensing (IOL) have published a document 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades'.
3. The Council's Taxi Licensing Policy at Appendix B sets out the existing fitness criteria for prospective and existing drivers and operators.
4. Members are being asked to consider replacing the existing fitness criteria for the IOL guidance, subject to consultation with interested parties.

Background

5. The Council has adopted a Taxi Licensing Policy containing the procedures, specifications and conditions which all prospective and existing licence holders need to be aware of.
6. Appendix B of the policy sets out the fitness criteria for prospective and existing drivers and operators. This criteria was developed by the All Wales Licensing Expert Panel and was adopted widely by Local Authorities throughout Wales.

Officer Report

7. In April 2018, the 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 1.
8. 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.
9. At a recent meeting of the All 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.
10. 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.
11. 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 1 be issued for consultation with the hackney carriage and private hire trades and other interested parties before determining whether to adopt the new guidance.

Financial Impacts

No implications

Integrated Impact Assessment

12. A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016

The first stage assessment has indicated that a more in-depth assessment is not required.

The first stage assessment is attached at appendix 2

Valleys Communities Assessment

13. No implications

Workforce Impacts

14. No implications

Legal Impacts

15. No implications

Risk Management Impacts

16. No implications

Consultation

17. There is no requirement for external consultation on this item.

Recommendation

18. That the document 'Guidance in determining the suitability of applicants and licensees in the hackney carriage and private hire trades' set out in Appendix 1 be issued for consultation

Reasons for Proposed Decision

19. So members can take into consideration any relevant comments prior to considering whether to adopt the new guidance.

Implementation of Decision

20. The decision is proposed for immediate implementation

Appendices

21. Appendix 1 - 'Guidance in determining the suitability of applicants and licensees in the hackney carriage and private hire trades' published by the IOL.
22. Appendix 2 - First stage assessment

List of Background Papers

23. Existing Taxi Licensing Policy - Appendix B

www.npt.gov.uk/media/4270/taxi_licensing_policy.pdf

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