

**REPORT:** Regulatory Committee

**DATE:** 12<sup>th</sup> March 2025

**REPORTING OFFICER:** Director – Legal and Democratic Services

**PORTFOLIO:** Resources

**SUBJECT:** Institute of Licensing – Suitability Guidance

**WARDS:** Borough-wide

## **1. PURPOSE OF REPORT**

- 1.1 To inform the Committee of the introduction of the '*Institute of Licensing - Suitability Guidance*' and to provide rationale for its introduction.
- 1.2 For Members to note the report.

2. **RECOMMENDATION:** That the Committee considers the contents of this report, and that the information contained within be noted.

## **3. SUPPORTING INFORMATION**

- 3.1 In October 2024, the Institute of Licensing published a revised Suitability Guidance following extensive consultations, and considering the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Taxi and Private Hire Trades, Academics, the Probation Service, NAFN, National and Local Governments, interested Charities and the Police.
- 3.2 The document has been produced by the Institute, working in partnership with the Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO). The Guidance has been endorsed by the National Anti-Fraud Network (NAFN).
- 3.3 The Guidance was, and is, intended to assist local Licensing Authorities in considering their own policies on determining the suitability of applicants and established drivers in all aspects of Taxi and Private Hire licensing, with the aim to achieve greater consistency throughout Authorities.
- 3.4 The Guidance has successfully been cited in courts where it has been incorporated by authorities, and as a stand-alone reference.

- 3.5 'Chapter 4' of the document provides licensing authorities and their decision makers with guidance on determining suitability, taking into account the 'character' of the applicant or licensed driver.
- 3.6 Licensing Authorities are encouraged to adopt this guidance within their own Taxi and Private hire policies as a starting or reference point from which decisions can be made, taking into account the particular merits of each case.
- 3.7 The Regulatory Committee is only being asked to note this report. This is because the definition of the functions assigned to the Committee are restricted to the power to licence (which includes grant, refusal and suspension with or without conditions) Hackney Carriage and Private Hire vehicles, drivers and operators. This is limited to individual applications. Anything beyond this is deemed to be an executive function for the Executive Board to determine – whether or not involving a policy change.
- 3.8 A copy of the Institute of Licensing "*Suitability Guidance*" is attached to this report at **Appendix A**

#### **4. POLICY IMPLICATIONS**

- 4.1. There are to be no immediate changes to Policy with the introduction of this information item.
- 4.2. Further consideration will be given at a later date to implementing sections of the '*Institute of Licensing – Suitability Guidance*' into the Council's Professional Standards Policy.
- 4.3. Should there be any amendments and inclusions to the Council's Professional Standards Policy in the future, recommendations will be made to Members of the Regulatory Committee and approval shall be sought.

#### **5. FINANCIAL CONSIDERATIONS**

- 5.1 Should changes to the Policy be implemented in the future, any costs will be funded from within existing budgets. There will be no additional charges to the licensed trade.

#### **6. IMPLICATIONS FOR THE COUNCILS PRIORITIES**

- 6.1 **Improving Health, Promoting Wellbeing and Supporting Greater Independence**

None

**6.2 Building a Strong, Sustainable Local Economy**

None

**6.3 Supporting Children, Young People and Families**

None

**6.4 Tackling Inequality and Helping Those Who Are Most In Need**

None

**6.5 Working Towards a Greener Future**

None

**6.6 Valuing and Appreciating Halton and Our Community**

None

**7. RISK ANALYSIS**

7.1. None

**8. EQUALITY AND DIVERSITY ISSUES**

8.1. There are no equality or diversity issues related to this information item.

**9. CLIMATE CHANGE IMPLICATIONS**

9.1. There are no climate change implications since this information item will have no effect on the environment.

**10. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None.