



LICENSING

Committee

No Ward Relevance

25th January 2010

SCHEME OF DELEGATION TO OFFICERS – HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - AMENDMENT RELATING TO DELEGATED POWERS TO REFUSE

(Report of the Head of Environment)

1. Summary of Proposals

In order to streamline the initial application and Committee process additional delegated authority is sought by Officers to refuse an initial application for a Hackney Carriage or Private Hire Vehicle Drivers Licence in accordance with Redditch Borough Council's "refusal protocol" which once adopted will form the basis of any refusal.

2. Recommendations

The Committee is asked to **RECOMMEND** that

the proposed addition to the Scheme of Delegation to Officers, as detailed in the report at paragraphs 5.2 and 5.3 and the "refusal protocol" attached to the report at Appendix 1 be approved and adopted by the Council with immediate effect.

3. Financial, Legal, Policy, Risk and Climate Change / Carbon Management Implications

Financial

- 3.1 There are no perceived financial implications for this proposal. However, the decision in these matters currently rests with the Licensing Sub-Committee (Taxis); reduction of applications to that Committee would have a reduction in Officers and Members time and in the cost of producing any documentation supporting that Committee.

Legal

- 3.2 A District Council has a duty under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 to licence Hackney Carriage and Private Hire Operators, Vehicles and Drivers.
- 3.3 Local Authorities have a range of licensing powers, which can significantly affect an individual's livelihood, for example, the licensing of taxis and private hire vehicles and drivers. Refusal or

revocation of a licence is likely to amount to the 'determination' of 'civil rights and obligations' with the result that Article 6(1) of the Human Rights Act 1998 is engaged. The Council therefore has to ensure that there is a fair and public hearing within a reasonable time.

- 3.4 The Local Government (Miscellaneous Provisions) Act 1976 provides at Section 61 (1) (b) that a District Council may suspend, revoke or refuse to renew a licence of a driver of a Hackney Carriage or Private Hire Vehicle on any of the following grounds:-
- a) That he has since the grant of the licence:-
 - (i) been convicted of an offence involving, dishonesty indecency or violence, or
 - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of this act, or
 - (iii) any other reasonable cause.

Policy

- 3.5 The decisions and actions of Officers would remain in accordance with the adopted policies of the Council and other bodies as appropriate.

Risk

- 3.6 Any perceived risks in changing the scheme of delegation would be reduced by implementing an appeal process. Any applicant who feels aggrieved by the decision of the Licensing Manager or Head of Service may appeal to the Licensing Sub-Committee (Taxis).

Climate Change / Carbon Management

- 3.7 None directly.

Report

4. Background

- 4.1 The prime aim of licensing of vehicles, drivers, and operators is protecting public safety.

LICENSING

Committee

25th January 2010

4.2 Historically the power to refuse applications for Hackney Carriage or Private Hire Drivers Licenses has remained a delegated function of the Licensing Sub-Committee.

5. Key Issues

5.1 The Licensing Sub-Committee expressed interest in this function being delegated down to officers in certain circumstances.

5.2 The proposed change to the scheme of delegation would be as follows:

to insert under Licensing-Taxis at page 247:

5.3 “To refuse Hackney Carriage and Private Hire Vehicle Drivers’ Licenses in line with Redditch Borough Council’s refusal protocol and subject to the right of the applicant to appeal against such refusal to the Licensing Sub-Committee (Taxis).”

5.4 The delegation should incorporate the following Officers:

HE – Head of Environment.

MEH – Manager of Environmental Health.

ML – Manager of Licensing.

5.5 The Applicant would then have a right of appeal to the Licensing Sub-Committee (Taxis) following a decision of the Licensing Manager to refuse their application.

5.6 Officers agree that there should be a basis for such a refusal and suggest the refusal protocol which can be found at Appendix 1 – this protocol should be printed and added to the Licensing Taxi Handbook at the next update.

5.7 Both these amendments constitute permanent on going delegations and therefore must be approved by the full Council before implementation.

6. Other Implications

Asset Management : None identified.

Community Safety : A consistent approach to decision making of relevant taxi legislation is required to ensure the safety of the travelling public.

LICENSING

Committee

25th January 2010

Human Resources : The proposal should ensure a reduction in Committee processes and a faster response on decision for applicant.

Social Inclusion : None identified.

Environmental/
Sustainability : None identified.

7. **Lessons Learnt**

An appropriate delegation of authority subject to relevant criteria can help streamline services to customers and avoid unnecessary delays.

8. **Background Papers**

Redditch Borough Council Scheme of Delegations.
Taxi Licensing Handbook.

9. **Consultation**

Relevant Redditch Borough Council staff, Countywide Licensing Officers, the Portfolio Holder for Community Safety and the Chair of the Licensing Committee have been consulted in the preparation of this report.

10. **Author of Report**

The author of this report is Sue Garratt (Licensing Manager), who can be contacted on extension 3032.
(email: sue.garratt@redditchbc.gov.uk) for more information.

11. **Appendices**

Appendix 1 - Draft refusal protocol for Hackney Carriage and Private Hire Vehicle Drivers'.