

**North East Derbyshire District Council**

**General Licensing Committee**

**17 October 2019**

**Determining Fitness of Hackney Carriage & Private Hire Vehicle Drivers and Private Hire Operators**

**Report No LTL/10/19-20/KR of the Licensing Team Leader**

This report is public

**Purpose of the Report**

- To consider a revised procedure for dealing with applications for hackney carriage & private hire driver licences and private hire operator licences when the application has historical convictions.

**1 Report Details**

- 1.1 Appendix A of the Council's Taxi Licensing Policy for Hackney Carriage and Private Hire Drivers (September 2018) at paragraph 5 states:

*Where an officer is not satisfied, on the information before them, that the applicant should be granted a licence, the matter must be referred to the Licensing Sub-Committee for a decision. The applicant will be advised of the date, time and venue of the Sub-Committee at which the application will be considered and invited to attend, accompanied by a representative if desired.*

- 1.2 Previously where an applicant did not meet the Council's Taxi Licensing Policy the application has automatically been referred to the Licensing Sub-Committee for determination and Officers have not used their delegated powers fully.
- 1.3 Since the introduction of the revised policy in September 2018 it has become apparent that a small number of applicants may fall outside the policy in respect of historical convictions which are so old as to no longer be relevant or the type of conviction(s) are ones that would not be relevant to the fitness of the driver.
- 1.4 Submitting applications of this type to the Sub-Committee has increased the workload of both officers and the committee and on occasions has significantly delayed driver applications and has caused the applicant a significant level of stress and/or financial hardship.

**1.5 Revised Procedure**

Where an applicant has recent convictions or convictions of concern their application will be automatically referred to the Licensing Sub-Committee for determination.

- 1.6 In cases where an applicant has historical convictions that may no longer be relevant the Licensing Team Leader or Environmental Health Manager will, in consultation with the Chair or Vice-Chair of Licensing and a Council Solicitor, make a decision as to whether or not the age, severity and type of convictions raise concerns in respect of the applicant's character. Where there are no public safety concerns and no issues of concern with the person's character. The Officer will determine the person is fit and proper and grant the licence under delegated powers and will retain a written record of the decision.
- 1.7 Where there are concerns about the applicant's character the Officer (having consulted with the Chair or Vice-Chair of Licensing and a Council Solicitor) will decline to use their delegated powers and the application will be referred to the Licensing Sub-Committee for determination.
- 1.8 To assist a decision record sheet and basic flow chart are provided at appendix A.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 This is a minor change to the manner by which officers currently use their delegated powers will reduce the burden on the Licensing Sub-committee and Officers. It should also reduce delays in granting licences in these circumstances, together with reducing financial hardship and/or stress for the applicant.
- 2.2 Introducing this minor change to the procedure should not have any impact on public safety.

## **3 Consultation and Equality Impact**

- 3.1 No consultation is required in respect of this proposed change and there is no requirement for an Equality Impact assessment.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 Should the Licensing Committee reject the request to amend the proposed procedure then the reasons for that rejection must be recorded and a decision notice issued.

## **5 Implications**

### **5.1 Finance and Risk Implications**

- 5.1.1 There are no risk implications associated with the proposed minor procedure change in respect of Officer Delegations.
- 5.1.2 Amending the procedure should reduce the burden on the Licensing Sub-committee and Officers.

### **5.2 Legal Implications including Data Protection**

- 5.2.1 None.

### **5.3 Human Resources Implications**

- 5.3.1 None.

## 6 Recommendations

- 6.1 That Members consider the revised procedure for Officer Delegations and approve the minor change.

## 7 Decision Information

<p><b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <i>BDC: Revenue - £75,000</i> <input type="checkbox"/>  <i>Capital - £150,000</i> <input type="checkbox"/>  <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/>  <i>Capital - £250,000</i> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	No
<p><b>Has the relevant Portfolio Holder been informed</b></p>	Yes
<p><b>District Wards Affected</b></p>	All
<p><b>Links to Corporate Plan priorities or Policy Framework</b></p>	All

## 8 Document Information

Appendix No	Title
1	Delegated decision record sheet and flow chart.
<p><b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
Taxi Licensing Policy – Hackney Carriage and Private Hire Drivers	
<b>Report Author</b>	<b>Contact Number</b>
Kevin Rowland, Licensing Team Leader	Ext 7879

**Delegated Decision Record Sheet**

<b>Applicant's Name:</b>		
<b>Applicant's Address:</b>		
<b>Application Reference Number:</b>		
<b>Licensing Authority*:</b>	<b>BDC</b>	<b>NEDDC</b>
<b>Type of Application*:</b>	<b>Driver</b>	<b>Operator</b>
<b>Is the application*:</b>	<b>New</b>	<b>Renewal</b>
<b>Matters for consideration:</b>		
<b>Consultee 1- Chair or Vice Chair:</b>		
<b>Name:</b>	<b>Signature:</b>	
<b>Recommendation:</b>	<b>Fit</b>	<b>Refer to Committee</b>
<b>Consultee 2 - Legal Officer (position):</b>		
<b>Name:</b>	<b>Signature:</b>	
<b>Recommendation*:</b>	<b>Fit</b>	<b>Refer to Committee</b>
<b>Officer Position:</b>		
<b>Name:</b>	<b>Signature:</b>	
<b>Officer decision*:</b>	<b>Fit</b>	<b>Refer to Committee</b>
<b>Officer comments:</b>		
<b>Decision Date:</b>		

*\* Delete as appropriate*

Procedure Note – September 2019

