

## Delegated Decision Record Sheet

Applicant's Name:			
Applicant's Address:			
Application Reference Number:	19/01544/TXHPDR		
Licensing Authority*:	BDC	NEDDC	
Type of Application*:	Driver	Operator	
Is the application*:	New	Renewal	
Matters for consideration:			
Consultee 1- Chair and/or		Vice Chair:	
Name:		Name:	
Recommendation:		Recommendation:	
Fit	Refer to Committee	Fit	Refer to Committee
Consultee 2 - Legal Officer (position):			
Name:		Signature:	
Recommendation*:		Fit	Refer to Committee
Officer Position:			
Name:		Signature:	
Officer decision*:		Fit	Refer to Committee
Officer comments:			
Decision Date:			

\* Delete as appropriate

## **Procedure Note – September 2019**

### **Consideration of Hackney Carriage & Private Hire Driver licence and Private Hire Operator licence applications**

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.*

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.

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.

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.

#### **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.

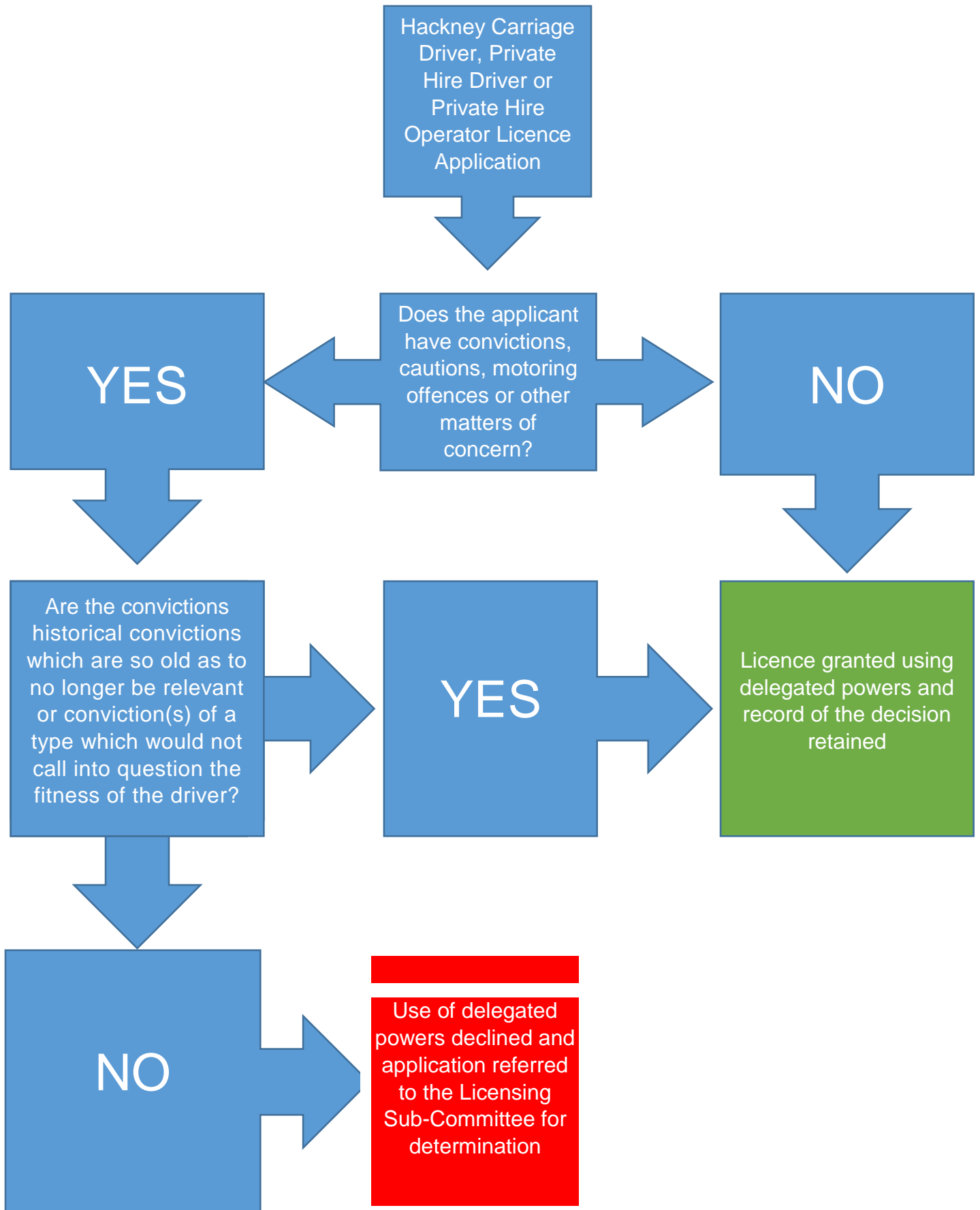
In cases where an applicant has historical convictions that may no longer be relevant the Licensing Team Leader or Environmental Health Manager will, in consultation with the Chair or Vice-Chair of Licensing and a Council Solicitor, make a decision as to whether or not the age, severity and type of convictions 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.

For clarification where one or more of the offences are of either a sexual nature and/or resulted in a custodial sentence and/or were taxi licensing related the delegated powers will not be used and the applicant will be referred to Committee.

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.

To assist a decision record sheet and basic flow chart are provided.

## Procedure Note – September 2019



## **Guidance on Convictions**

Generally the Council's policies on fitness and suitability will be used as guidance.

In respect of convictions the following principles will apply when considering the risk to public safety:

The use of delegated powers is intended to be used exceptionally in cases where the Applicant has convictions of less serious nature.

Where existing policy includes an absolute prohibition on a particular offence delegated powers cannot be used.

Careful consideration will be given taking into account the Applicant's age at the time, any information known about the circumstances and the severity of any sentence imposed.

For some offences, such as less serious forms of assault\* or dishonesty where no custodial sentence was served, a view will be taken based on the Applicant's overall record.

The Applicant will automatically be referred to Committee where one or more of the offences:

- are of a sexual nature
- resulted in a custodial sentence
- were taxi licensing related
- related to possession or use of a weapon

Further guidance on convictions generally can be found at Appendix B of the Taxi Licensing Policy: Hackney Carriage & Private Hire Drivers.

\*NB In line with policy less serious forms of assault include common assault/battery, assault occasioning actual bodily harm, affray, obstruction, criminal damage, harassment or anti-social behaviour.