

Subject: Enforcement Policy for Hackney Carriage and Private Hire drivers, vehicles and operators

Status: For Publication

Report to: Policy Overview and Scrutiny Licensing Committee

Date: 18th January 2011
24th January 2011

Report of: Director of Business

Portfolio

Holder: Environmental Services

Key Decision: No

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

1.1 To agree an Enforcement Policy for Rossendale Borough Council in respect of hackney carriage and private hire drivers and proprietors and private hire operators.

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective/s.

- Delivering Quality Services to Customers (Customers, Improvement)
- Keeping Our Borough Clean and Green (Environment)
- Promoting Rossendale as a cracking place to live and visit (Economy)
- Well Managed Council (Improvement, Community Network)

3. RISK ASSESSMENT IMPLICATIONS

3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- An Enforcement Policy sets out the matters we will consider when there are breaches of legislation that we are responsible for and how we will deal with those breaches. It enables the Council to adopt a consistent approach to enforcement matters and demonstrate that consistency should be the subject of legal challenge.

4. BACKGROUND AND OPTIONS

- 4.1 Rossendale Borough Council currently has no written Policy regarding the way it decides when to take enforcement action in respect of the hackney carriage and private hire trade. As such we are subject to legal challenge should our decision making not be proportionate or consistent.
- 4.2 In addition, prosecution decisions and enforcement action should be proportionate, fair, open and effective. A written policy clarifies to customers exactly what they may expect if they breach legislation and enables a consistency of approach to be adopted, departing from the policy only when exceptional circumstances appertain. In those instances, the reasons for that departure would be recorded and available for scrutiny.
- 4.3 Appended at Appendix A is the proposed Enforcement Policy for hackney carriage and private hire drivers and vehicles and private hire operators. It sets out how the Council will make the decision to take enforcement action, at what level and what issues it will consider when making that decision.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

- 5.1 There are no material financial implications.

6. MONITORING OFFICER

- 6.1 The Council must make a decision based on all relevant information and following consideration of all relevant Council policies.

7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 7.1 There are no specific human resources implications.

8. CONCLUSION

- 8.1 A written enforcement policy will clarify what customers may expect if they breach legislation and the considerations that will take place to arrive at those decisions
- 8.2 It will also demonstrate, should the Council be subject to legal challenge, that we have adopted a consistent approach to our decision making that is open and fair.

9. RECOMMENDATION(S)

- 9.1 That the Committee resolve to recommend Council adopt the Enforcement Policy
- 9.2. That the Policy and Overview Scrutiny Committee resolve to recommend Council adopt the Enforcement Policy.

9.3 That the Council resolves to adopt the Enforcement Policy.

10. CONSULTATION CARRIED OUT

10.1 The consultation period for the policy ran from Monday 20th September until Monday 1st November 2010. The policy was published on the website of Rossendale Borough Council and copies were sent to all Rossendale Councillors. In addition every licensed vehicle proprietor, driver and operator was informed by letter of the draft policy and various local organisations were sent copies. There were no relevant responses.

11. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required Yes

Is a Community Impact Assessment attached No

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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No background papers

Appendices	
Document	Appendix Number
Enforcement policy for hackney carriage and private hire drivers and vehicles and private hire operators.	Appendix A