

Subject:	Delegations - Hackney Carriage Drivers and Vehicles Private Hire Operators Drivers and Vehicles	Status:	For Publication
Report to:	Licensing Committee	Date:	10 th September 2015
Report of:	Licensing and Enforcement Manager	Portfolio Holder:	Legal and Democratic Services
Key Decision:	<input type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	To recommend to the Governance Working Group and Council the amendments to the Licensing and Enforcement Delegations as detailed in <u>Appendix A</u> and inclusion of the agreed Delegations within the Council's Constitution

2. PURPOSE OF REPORT

- 2.1 To consider changes to the Licensing and Enforcement Delegations as detailed in Appendix A.
- 2.2 To seek to include the Delegations within the Constitution.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
 - **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
 - **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- Failure to maintain and follow an up-to-date Constitution risks legal proceedings being taken against the Council, and risks members of the community being dissatisfied with the action of the Council.

5. BACKGROUND AND OPTIONS

- 5.1 The dealing of matters relating to Hackney Carriage Drivers and Vehicles, Private Hire Operators Drivers and Vehicles is currently delegated to the Licensing Committee under the Terms of Reference of the Constitution. From there certain matters have been delegated to officers within the Licensing and Enforcement Unit as set out in Appendix A. It would be

prudent to ensure that the current practice is reflected in the Council's constitution.

5.2 New Delegations following review

The Licensing and Enforcement Manager may receive information following a drivers arrest for a serious offence involving matters of a sexual nature, serious violence, drugs offences or serious motoring offences which are so serious a licence may be revoked. In these circumstances it is in the interests of expediency and to ensure public safety, to delegate authority to the Licensing and Enforcement Manager following consultation with the Chair or Vice Chair of the Licensing Committee (unless out of hours) to revoke the hackney carriage or private hire driver licence.

- 5.3 Furthermore, the Licensing and Enforcement Manager has delegated authority to grant a hackney carriage or private hire driver licence unless convictions, cautions, warnings, ASBO's, bind-overs or other information is disclosed in line with the Council's guidelines on such matters, which in the opinion of the Licensing and Enforcement Manager should be referred to the Licensing Sub-Committee for consideration.

There are however cases where the applicant only just falls within the timescales offered in the Guideline for Convictions and it could be possible that the Sub-committee would, and after careful consideration of all the facts, grant the licence due to the likelihood of success for an applicant that exercises their right of appeal to the Magistrate's Court. An example of this would be where an applicant has a conviction which would be subject to a 2 years cooling off period under Council guidelines and at the date of consideration only 22 months has elapsed but by the time the matter went before the Courts the full 2 years will have been surpassed. Each case would of course be considered on its merits particularly as the timescales laid down are only Guidelines to assist in the determination as to whether a person is a fit and proper person. In such circumstance it would be practical to give the Licensing and Enforcement Manager the discretion to grant those licences in consultation with the Chair or Vice Chair of the Licensing Committee.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

- 6.1 There are no immediate financial implications.

7. MONITORING OFFICER

- 7.1 The Council is required by law to implement a Constitution and it is in the interests of the Council to regularly review and update the document to avoid legal challenge. All other matters are covered within the body of the report.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

- 8.1 No HR implications.
8.2 Consultation has been undertaken with Portfolio for Licensing and Enforcement and chair of the Licensing Committee.

9. CONCLUSION

- 9.1 The Council is required by law to implement a Constitution and it is in the interests of the Council to regularly review and update the document.

Background Papers

Document	Place of Inspection
Delegations - Hackney Carriage Drivers and Vehicles Private Hire Operators Drivers and Vehicles	Appendix A