

Swindon Borough Council

Private Hire and Hackney Carriage Licensing Sub-Committee

Monday, 23 August 2010

Committee Room 1, Civic Offices (Anticipated meeting room)

At 12.30 p.m.

Conservative Councillors

Andrew Bennett
Brian Ford
Janet Heenan
Richard Hurley
Kevin Parry

Labour Councillors

Junab Ali
John Ballman

Liberal Democrat Councillors

Independent Councillors

Committee Officer: Shaun Banks (Telephone 01793 463606)

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(Telephone 01793 445500)

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

3. Minutes (Pages 1 - 2)

To receive the minutes of the meeting held on 2nd June 2010.

4. Public Question Time

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

5. Exempt Items - Exclusion of Press and Public

Certain items are expected to include the consideration of exempt information and the Standards Committee is, therefore, recommended to resolve "That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the item listed below, on the grounds that it involves the likely disclosure of exempt information, as defined in the respective paragraph of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information".

<u>Item No.</u>	<u>Paragraph No.</u>
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6. Review of Hackney Carriage and Private Hire Delegated Authority (Pages 3 - 6)

7. Review of Private Hire Drivers Licence (Pages 7 - 46)

Date of Despatch: 16 August 2010

Public Question Time - Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Committee (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

Access Arrangements – The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING SUB-COMMITTEE

WEDNESDAY, 2 JUNE 2010

PRESENT:- Councillors Andrew Bennett (Chair), Richard Hurley Kevin Parry Vice-Chair) and Vera Tomlinson.

Apologies for absence were received from Councillors Junab Ali, John Ballman, Brian Ford and Colin Lovell.

1. Appointment of Chair for Municipal Year 2010/11

Resolved – That Councillor Andrew Bennett be Chair of the Sub-Committee for the Municipal Year 2010/11.

2. Appointment of Vice-Chair for Municipal Year 2010/11

Resolved – That Councillor Kevin Parry be Vice-Chair of the Sub-Committee for the Municipal Year 2010/11.

3. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

4. Minutes

Resolved – That the minutes of the meeting held on 13th April 2010, be confirmed and signed as a correct record.

5. Public Question Time

No public questions were received during the meeting.

6. Exempt Items - Exclusion of Press and Public

That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in Item 8 of the Notice of the Meeting on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 8 of Part 1 of Schedule 12A to the Act. (Minute 7 refers.)

7. Appeal against Revocation of a Private Hire Drivers Licence

The Committee determined that, as a result of a procedural error, there was not a valid appeal to determine. It therefore instructed that the Private Hire Drivers Licence be returned, with immediate effect, to the driver named in the report.

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Review of Hackney Carriage and Private Hire Delegated Authority

Private Hire and Hackney Carriage Licensing Sub-Committee Date: _____

Author: Group Director, Environment and Regeneration

Wards Affected: All

Purpose

- To consider amendments to Officers' Delegated Authority regarding Hackney Carriage and Private Hire licensing.

Recommendation

The Sub-Committee is asked to: -

- Agree the amendments to Officers' Delegated Authority as set out in the body of the report.

1. Reasons

- 1.1 Officers currently have delegated authority to grant Hackney Carriage and Private Hire licences, but no authority to suspend or revoke such licences.

2. Detail

- 2.1 Current Delegated Authority, vested in the Group Director (Environment, Regeneration and Community) but, operationally, by an Authorised Officer (Passenger Transport) (normally the Council's Taxi Licensing Officer) allows Officers to grant Hackney Carriage and Private Hire Drivers' and Vehicle Licences, provided the Council's criteria are met. However there is no Authority to either suspend or revoke licences, should that be necessary.
- 2.2 It is therefore recommended that consideration be given to allow the Group Director (Environment, Regeneration and Community) to revoke or suspend licences when it is considered in the public interest to do so. Operationally, this Authority should be vested in an Authorised Officer, normally the Passenger Transport Officer responsible for Taxi Licensing or his deputy or the Passenger Transport Manager.
- 2.3 It is also recommended that Delegated Authority be given, as detailed above, to allow the prohibition of licensed vehicles should they be found, in the opinion of an Authorised Officer, to be unroadworthy.

Further information on the subject of this report can be obtained from Rod Collett on 01793 466212 or e-mail rcollett@swindon.gov.uk.

Review of Hackney Carriage and Private Hire Delegated Authority

Private Hire and Hackney Carriage Licensing Sub-Committee Date:

- 2.4 Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976 allows District Councils to suspend or revoke or refuse to renew the 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-
 - a. been convicted of an offence involving dishonesty, indecency or violence
 - b. been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 (the Town Police Clauses Act) or of this part of the Act; or
 - c. any other reasonable cause.
- 2.5 If the holder of a licence elects to exercise his right of appeal within 21 days, the suspension or revocation is set aside until the appeal has been heard. However, Section 61 (2B) of the same Act of 1976 gives District Councils the power to suspend or revoke licences with immediate effect (even if the licensee exercises his right to appeal) if it appears necessary in the interests of public safety.
- 2.6 Extending Delegated Powers as requested would avoid the need for the Sub-Committee to be consulted on each and every occasion it is felt necessary to suspend or revoke a licence. The licensee would, of course, retain the right to appeal against suspension or revocation to this Sub-Committee. Any action taken under this Delegated Authority would be reported verbally to the next meeting of this Sub-Committee.
- 2.7 Should the licensee be aggrieved with the decision of the Sub-Committee he retains the right to appeal to the Magistrates Court. Such appeal should be lodged with the Court within 21 days of the Sub-Committee meeting.

Alternative Options

- Officers' Delegated Authority to remain as at present.

Risk Management

Financial and Procurement Implications

There are no direct financial implications arising from this report. There are no procurement issues arising from this report.

Further information on the subject of this report can be obtained from Rod Collett on 01793 466212 or e-mail rcollett@swindon.gov.uk.

Review of Hackney Carriage and Private Hire Delegated Authority

Private Hire and Hackney Carriage Licensing Sub-Committee Date: _____

Legal/Human Rights Implications

There are no legal implications to this report. Human Rights have been taken into account in the preparation of this report.

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

A Healthy and Caring Place; An Economically Prosperous Place; An Environmentally Friendly Place; A Safe Place.

Consultees

The Director of Finance (s.151 Officer) and the Director of Law and Democratic Services (Monitoring Officer) are consulted on all reports.

Background Papers and Appendices

- None

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Agenda Item 7

By virtue of paragraph(s) 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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