

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.

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- 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.

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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