

10 January 2013		ITEM: 5
Licensing Committee		
HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DELEGATION OF AUTHORITY		
Report of: Paul Adams, Principal Licensing Officer		
Wards and communities affected: All	Key Decision: Non key	
Accountable Head of Service: Gavin Dennett, Acting Head of Public Protection		
Accountable Director: Jo Olsson – Director of People Services		
This report is Public		
<i>If the report, or a part of this, has been classified as being either confidential or exempt by reference to the descriptions in Schedule 12A of the Local Government Act 1972, it is hereby marked as being not for publication. The press and public are likely to be excluded from the meeting during consideration of any confidential or exempt items of business to which the report relates.</i>		
Date of notice given of exempt or confidential report: not applicable		
Purpose of Report: Agree the transfer of delegated function to the Principal Licensing Officer for the refusal of Hackney Carriage and Private Hire Driver's Licences where no DVLA drivers licence exists.		

EXECUTIVE SUMMARY

Thurrock Council's scheme of delegation currently requires any refusal of the grant of a licence for a Hackney Carriage or Private Hire Driver's Licence must be made by a Licensing Sub Committee, this report seeks approval for this function to be transferred to the Principal Licensing Officer in certain circumstances.

1. RECOMMENDATIONS:

1.1 That the Committee -

Agrees for the transfer of delegated authority to the Principal Licensing Officer to refuse an application for a Hackney Carriage or Private Hire Driver's Licence when the applicant does not hold a current valid DVLA driving licence.

2. INTRODUCTION AND BACKGROUND:

- 2.1 Under Thurrock Council's current constitution and scheme of delegation any application that is made for Private Hire or Hackney Carriage Driver's Licence must be determined by a Licensing Sub Committee where an applicant falls outside the Council's policy in relation to suitability to be licensed.
- 2.2 There may be exceptional circumstances where the Council may wish to depart from its policy and grant an applicant a licence where the policy would not allow it, it is for this reason a Licensing Sub Committee hears the matter.

3. ISSUES, OPTIONS AND ANALYSIS OF OPTIONS:

- 3.1 Where an applicant does not hold a current DVLA driving licence a Licensing Sub Committee would have no option but to refuse the application until at least a time where the applicant may then hold a valid DVLA Driving Licence.
- 3.2 In this circumstance may be viewed as unreasonable and not cost effective to convene a Licensing Sub Committee to refuse the grant of a licence.
- 3.3 It is suggested that the delegated authority to refuse a licence should be transferred from the Licensing Sub Committee to the Principal Licensing Officer for this circumstance only.
- 3.4 A right of appeal will still remain against the decision to refuse the application at the magistrates' court.
- 3.5 All other decisions regarding refusal of a licence will still be referred to a Licensing Sub Committee.

4. REASONS FOR RECOMMENDATION:

- 4.1 The delegation of authority to the Principal Licensing Officer will remove the need to hold unnecessary hearing to determine a matter where there is not other reasoned decision that to refuse a licence.

5. CONSULTATION (including Overview and Scrutiny, if applicable)

- 5.1 No consultation is required.

6. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

- 6.1 None.

7. IMPLICATIONS

7.1 Financial

Implications verified by: **Michael Jones**
Telephone and email: **01375 652277**
mxjones@thurrock.gov.uk

There are no financial implications for Thurrock Council.

7.2 Legal

Implications verified by: **David Lawson**
Telephone and email: **01375 652087**
david.lawson@bdtlegal.org.uk

There are no direct legal implications beyond those already mentioned in the body of the report.

7.3 Diversity and Equality

Implications verified by: **Samson DeAlyn**
Telephone and email: **01375652472**
sdealyn@thurrock.gov.uk

There are equality or diversity implications noted in this report.

7.4 Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental

None

BACKGROUND PAPERS USED IN PREPARING THIS REPORT (include their location and identify whether any are exempt or protected by copyright):

- Thurrock Council's Constitution.
- Thurrock Council's Scheme of Delegation: People Services v130312.

APPENDICES TO THIS REPORT:

None

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