

**Report to:** Executive Cabinet Member  
Environmental Services

**Date:** 16<sup>th</sup> April 2018

**Report of:** Director of Place

**Report No:** ECMES/52/18

**Contact Officer:** Elizabeth Pritchard Principal Officer

**Tele No:** 6583

**Report Title:** **Proposal for delegated powers to Principal Officer and above to refuse private hire and hackney carriage driver licences**

**Non Confidential:**

This report does **not** contain information which warrants its consideration in the absence of the press or members of the public.

**Purpose:**

To invite the Executive Cabinet Member to:

- Approve the proposal to delegate powers to Principal Officer and above to refuse applications to drive a private hire and / or hackney carriage vehicle in Bolton Council, where those applications fall within current policy guidelines.

**Recommendations:**

Approve the proposal for delegating powers to Principal Officer level and above.

**Background Doc(s):**

None

**Summary:**

No summary

## **1. BACKGROUND**

- 1.1 The Executive Member will be aware that all licensed Private Hire Vehicles and Hackney Carriage Vehicles must be driven by a person who holds a licence to drive a private hire or hackney carriage vehicle issued by the Council. Such licenses are issued pursuant to the provisions of the Local Government (Miscellaneous Provisions) Act 1976. The legislation places a responsibility on the Council not to issue a licence to anyone who is not a 'fit and proper person'.
- 1.2 Section 61 of the 1976 Act, further, makes provision to suspend, revoke or refuse to renew a driver licence on the grounds that s/he has since the grant of the licence:
  - a. Been convicted of an offence involving dishonesty, indecency or violence; or
  - b. Been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
  - c. Any other reasonable cause
- 1.3 Guidance relating to the relevance of convictions and non-convictions to assist in determining whether someone is a 'fit and proper person' is given in Bolton Council's Statement of Fitness and Suitability (Private Hire, Hackney Carriage & Social Needs Transport). It defines a non-conviction as including:
  - a) Any breaches of licensing condition or byelaw
  - b) Any complaint
  - c) Any allegation
  - d) Any intelligence made available to the Council by the Police, private hire operator or any other partner agency or service
  - e) Anything considered by a Court that hasn't resulted in a conviction e.g. acquittal or failure to reach a verdict
  - f) Any other matter which questions the person's ability to meet the 'fit and proper' test

It also sets out minimum periods for the following offence categories:

  - a. Dishonesty
  - b. Violence
  - c. Drugs
  - d. Sexual and indecency
  - e. Drunkenness
  - f. Motoring convictions
- 1.4 Officers in the Council's Licensing Unit have delegated authority to grant a licence where the person has no convictions or a minor motoring conviction. Where Officers have delegated authority to grant a licence, they will consider the statement and guidance to determine whether or not a person meets the 'fit and proper' criteria.
- 1.5 Where a person has convictions a report is written by an Officer of the Licensing Unit and the person is referred to have their fitness and propriety considered by the Licensing and Environmental Regulation Committee (LERC) or one of the Sub Committees.
- 1.6 LERC and its Sub Committees are currently held monthly with an average of five or six reports going to LERC and Traffic Sub Committee and two or three reports going to Sensitive Cases Committee each month which is a large amount of business for a relatively small team. With a further recommendation to meet a two week deadline to notify the applicant and send a copy of the report to him / her an unsustainable strain

has been placed on both officers and members in terms of the sheer volume of business that the Licensing team and LERC members are having to deal with.

- 1.7 The Licensing Unit is frequently being contacted by applicants and Elected Members complaining about the delay in referrals to Committee, and turn around time for decisions is very much a source of frustration to the taxi trade locally which creates an extra burden on Members and Officers.

## **2 PROPOSAL**

- 2.1 In an effort to streamline the process and at the same time lighten the unsustainable burden on Committee, Elected Members and Officers, it is proposed to delegate some powers to Principal Officer level and above. It is anticipated that this will also significantly speed up the turnaround time for new applicants, and create additional capacity for members of the licensing committees and staff within the licensing team.
- 2.2 Proposal – delegate powers to Principal Officer level and above to refuse applications where convictions have been declared, and where policy is applied and the conviction date falls within policy. In terms of the proposed process, the deciding Officer would meet with the applicant, so that the circumstances of the offence could be considered. Following discussion the decision would be provided in writing, and the applicant would retain the right to appeal the officer decision to the Magistrates Court if the decision was to refuse the application.

## **3. RECOMMENDATION**

- 3.1 It is recommended that members approve the proposal above to delegate powers and reduce the burden for all.
- 3.2 It should be noted, that Powers would only be delegated to officers to consider previous convictions and non convictions where the date falls within the minimum period set out in the policy. Matters relating to borderline cases and convictions or non convictions with time frames outside the minimum periods set out in the policy would still be referred to the relevant Committee for consideration by members.
- 3.3 Adopting the proposal would mean the following additional capacity if the changes had been implemented from January 2018:

<b>Committee</b>	<b>No. reports under current policy</b>	<b>No. reports if powers delegated</b>	<b>Percentage saving</b>	<b>Committee date reduction</b>
LERC	31	9	29%	Four to two meetings
Sensitive Sub Committee	9	3	33%	Four to three meetings

<b>Total</b>	<b>40</b>	<b>12</b>	<b>30%</b>	<b>Eight to five meetings</b>
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- 3.4 The delegation of limited powers to Officers aims to provide Members of the various licensing Committees with more time within the scheduled committees for longer and more detailed deliberations of more complex or borderline cases. It is anticipated that amending the scheme of delegation as recommended will streamline the current process and free up much needed additional capacity for committee members and officers alike.

3.5 The Executive Member is invited to:

Approve the proposal for delegating powers to Officers as recommended.