

**Report to:** Council

**Date:** 9th December, 2009

**Report of:** The Director of the  
Chief Executive's Department

**Report No:**

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Licensing Manager

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**Report Title:** Amendment to the Scheme of Delegation

**Non Confidential:**

**Purpose:**

To invite the Council to approve an amendment to the Scheme of Delegation to permit the Director of the Chief Executive's Department (or his nominee) to refuse an application for a licence to drive a private hire or hackney carriage vehicle where the applicant fails to satisfy the criteria laid down in the Convictions Policy.

**Recommendations:**

To approve the change to the Scheme of Delegation.

**Background Doc(s):**

Report to Executive Member for Housing, Neighbourhoods & Regulation - Private Hire & Hackney Carriage Driver Licences Proposals for revised Convictions Policy, 27<sup>th</sup> October 2009.

**Summary:**

No summary

## **1. BACKGROUND**

- 1.1 Members will be aware that all drivers of private hire vehicles and hackney carriages require a licence from the Council by virtue of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.
- 1.2 In determining whether or not to grant a licence the Council is tasked with judging whether an applicant is a 'fit and proper' person to whom a licence should be granted.
- 1.3 'Fit and proper' is not defined in the statute and the council is given wide discretion in making this judgement.
- 1.4 An essential part of the process is to check whether or not an applicant has recorded against them, any criminal or motoring convictions which might render them not a 'fit and proper' person.
- 1.5 All applicants are, therefore, required to produce their driving licence and to complete an Enhanced Disclosure application with the Criminal Records Bureau as part of the licence application process.

## **2. CURRENT POSITION**

- 2.1 Where there are offences of violence, dishonesty, indecency, drugs or drunkenness recorded against an applicant, or where the applicant has a poor driving record, the Licensing Unit will not issue a licence until the application has been referred to the Licensing and Environmental Regulation Committee where the Committee consider whether or not the applicant is a 'fit and proper' person.
- 2.2 Historically this judgement has been assisted by guidance which was widely adopted by local authorities many years ago.
- 2.3 The current position results in an unnecessarily heavy workload for the Committee since all applicants with multiple convictions, or recent convictions for serious offences are required to appear before the Committee.

## **3. NEW CONVICTIONS POLICY**

- 3.1 On 24<sup>th</sup> November, 2009 the Executive Member for Housing, Neighbourhoods & Regulation approved a replacement Convictions Policy prepared by the Licensing Unit and based on a model developed by the Greater Manchester Licensing Managers Group.
- 3.2 The model has been adopted by a number of other authorities in the conurbation and is designed to prevent applicants who are 'unfit' because of their criminal background, from obtaining licences and achieve more uniform assessment of the suitability of applicants for private hire and hackney carriage driver licences, across Greater Manchester.
- 3.3 The new Convictions Policy also seeks to manage the workload of the LERC by delegating authority to the Director of the Chief Executive's Department (or his nominee) to refuse an application for a private hire or hackney carriage driver licence where the applicant fails to meet the criteria set out in the

Convictions Policy.

- 3.4 This is a significant change and requires an amendment to the Scheme of Delegation.

#### **4. PROPOSED CHANGE TO SCHEME OF DELEGATION**

- 4.1 In the Scheme of Delegation, in the section relating to Housing, Neighbourhoods and Regulation, Paragraph E reads:

***“Licensing Matters***

***To the Director of Chief Executive’s Department or nominee***

*1.1 Authority to grant, transfer or renew:-*

- (a) Taxi and Taxi Driver Licences;*
- (b) Hire Car Operator, Vehicle and Driver Licences;*

*subject to the Council's standard conditions, together with any additional conditions recommended by the Director of Chief Executive’s Department.”*

- 4.2 It is proposed to amend the Scheme by adding the following to the sentence :

*“or to refuse to grant Taxi or Hire Car Driver licences where applicants fail to meet the criteria set out in the Convictions Policy of the Council in force at the time.”*

#### **5. RECOMMENDATION**

- 5.1 The Council is asked to approve the amendment to the Scheme of Delegation detailed in Paragraph 4 of the report.