

REPORT FOR DECISION

DECISION OF:	LICENSING & SAFETY PANEL
DATE:	10th JANUARY 2019
SUBJECT:	CHANGES TO CONSTITUTIONAL MAKE UP AND FREQUENCY OF LICENSING AND SAFETY COMMITTEE MEETINGS
REPORT FROM:	ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain.
SUMMARY:	This report seeks Members views on proposals to make amendments to the frequency and make up of Licensing and Safety Panel meetings dealing with licensed hackney carriage and private hire vehicle, driver and operator matters.
OPTIONS & RECOMMENDED OPTION	<ol style="list-style-type: none"> 1. To accept the proposals, in part or whole and seek Council approval with regard to altering the frequency of and constitution of licensing and safety panel meetings dealing with hackney carriage and private hire matters 2. To reject the proposals in part or whole
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals
Statement by Executive Director of Resources:	If the changes are accepted any applicant aggrieved by a decision of the Panel or Officers may appeal to the courts. This may incur legal costs for both parties.

Equality/Diversity implications:	No (see paragraph below)
Considered by Monitoring Officer:	Under the legislation the Council is required to determine applications within the terms of the Constitution and it is prudent to review the delegations to the Panel from time to time when there are changes in the law or for general efficiency.
Wards Affected:	All
Scrutiny Interest:	Overview and Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

1.1 Members are aware that the consideration of driver and new applicant’s misdemeanours form a large percentage of the business brought before the Panel. The Local Government (Miscellaneous Provisions) Act 1976 , section 51 (1) provides that in respect of private hire drivers:-

A district council shall not grant a licence to drive a private hire vehicle:

- a) Unless they are satisfied that the applicant is fit and proper to hold a driver licence.

similarly Section 59 (1) provides that in respect of Hackney Carriage drivers:

A district council shall not grant a licence to drive a hackney carriage:

- a) unless they are satisfied that the applicant is fit and proper to hold a driver licence.

1.2 Members will recall that a series of Panel meetings this financial year proceeded past 10.00pm and resulted in the suspension of standing orders for those meetings. Officers were asked to consider options for refining procedures and reducing the amount of business placed before the Panel that continue past 10pm in any one meeting.

1.3 This report is in response to that request and is before members to consider the scheduling of meetings convened to consider matters relating to concerning hackney carriage and private hire vehicle, drivers and operators.

- 1.4 It has long been established that in the interests of practicality, uncontroversial decisions can lawfully be delegated by elected Members to officers. The Council constitution already sets out existing delegations made by the elected Members to officers to enable the business of licensing to be carried on effectively, fairly and within the budget allocation.
- 1.5 Members have already considered amendments to the scheme of delegation between panel and officers in the previous report this evening.

2.0 INTRODUCTION

- 2.1 There are two elements to this report:
- a) alterations to the frequency and timings of Licensing and Safety Panel meetings ;
 - b) amendments to the Council Constitution with regards to the number of members sitting to hear matters relating to the grant, refusal, suspension, and revocation of driver , vehicle and operator licences.

3.0 PROPOSALS

3.1 Alterations to the timing and frequency of Licensing and Safety Panel meetings convened.

At present, the Council Constitution requires that the Licensing and Safety Panel determines driver, vehicle and operator licence applications where applicants do not comply with the relevant criteria or where there are grounds for refusal of an application. Grounds for refusal are often related to a driver's criminal record.

- 3.2 Currently the Council Constitution at Article 8 allows for the appointment of regulatory and non-executive committees set out in Part 3 of the constitution.
- 3.3 Part 3.1 Responsibility for Council Functions details the function of the Licensing and Safety Panel as "Private / public hire vehicles, gaming, alcohol, entertainment, food, gambling and miscellaneous licensing. Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations and licences included in the Licensing Act 2003.
- 3.4 The constitution details the membership of the Licensing and Safety Panel as:
- 13 Members of the Authority to form a politically balanced committee where possible;
 - 3 Members of Full Panel to be selected to form politically balanced Licensing Hearings Panels where possible to deal with individual applications for licences under the Licensing Act 2003.
- 3.5 Currently all matters relating to public and private hire are heard at 6 weekly meetings held in the evening starting at 7pm, before a full politically balanced committee where possible.

- 3.6 The majority of matters relating to public and private hire relate to driver misdemeanours and consideration of these in relation to the Statement of Convictions and Guidelines policy and its relevance to previous convictions. Other frequent matters include the consideration by members of a driver's suitability as to fitness to be a driver / operator/ owner.
 - 3.7 The Council Constitution currently allows for licences included in the Licensing Act 2003 to be heard by a 3 member panel selected from the full 13 member panel.
 - 3.8 It is proposed that similar panel hearings i.e. 3 member politically balanced panel where possible be permitted to sit and hear matters relating to Hackney Carriage and Private Hire licences included in the Local Government (Miscellaneous Provisions) Act 1976.
 - 3.9 It is further proposed that such hearings be permitted to sit during the normal working day i.e. Monday- Friday 09.00 – 17.00
 - 3.10 Full Member Licensing and Safety Panel meetings will continue to be scheduled on approximately six weekly intervals and continue to meet in the evening.
 - 3.11 Full Member Licensing and Safety Panel meetings will consider matters of policy as well as relevant public and private hire matters needed to be considered where the driver / operator/ vehicle owner would prefer to be heard at an evening meeting to allow for working arrangements / carer responsibilities to be taken into consideration.
 - 3.12 Any matter to be determined immediately on the grounds of it being in the interest of public safety would continue to be determined through existing delegations.
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List of Background Papers:-

Application Forms

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