



Classification	Item No.
Open / Closed	

Meeting:	Licensing and Safety Committee
Meeting date:	8 June 2023
Title of report:	Officer Delegation
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

This report requests that the Committee approve delegation to officers to suspend Hackney Carriage and Private Hire Drivers Licences if they have not got a valid enhanced DBS certificate.

This report proposes:

Recommendation(s)

It is recommended that the Licensing and Safety Committee considers the following options: -

1. To delegate to the Head of Public Protection, Licensing Unit Manager and Deputy Licensing Officer to suspend Hackney Carriage and Private Hire Drivers Licences if they have not got a valid enhanced DBS certificate.
2. To reject the delegation outlined above.

Key Considerations

This is a Council Function that is delegated to the Licensing and Safety Committee by the Council's Constitution.

This paper is in the Public Domain.

1.0 Background

- 1.1 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council may suspend or revoke or refuse to renew the licence of a driver of a private/public hire vehicle on any of the following grounds:
- 1.2 a) that he has since the grant of the licence:-
(i) been convicted of an offence involving dishonesty, indecency or violence; or
(ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or this Act; or
b) any other reasonable cause.
- 1.3 The Act also confers a right of appeal to the Magistrates Court and provides that an individual can continue to drive a hackney carriage/private hire vehicle during the period when an appeal can be lodged and if an appeal is lodged until the appeal is dismissed or withdrawn or fails for want of prosecution. Section 52 of the Road Safety Act, provides Licensing Authorities with a power to suspend or revoke a Hackney or Private Hire driver licences with immediate effect where they are of the opinion that the interests of public safety require such a course of action.
- 1.4 Members may recall that during the Covid pandemic, the Council provided assistance to the taxi trade in a number of ways, one of which was to issue 12 month drivers licences. Due to this this has meant that the enhanced DBS Certificate date now does not correspond with the expiry date of the hackney carriage/private hire driver's licence.
- 1.5 The Licensing Service write to all hackney carriage/private hire drivers two months before DBS certificate is due to expire.

2.0 Proposal

- 2.1 The Licensing Service seek delegation from the Licensing and Safety Committee to the Head of Public Protection, Licensing Unit Manager and the Deputy Licensing Officer in the absence of the other officers the ability to suspend hackney carriage/private hire driver's licences if they have not been applied for or the Licensing Service have not been supplied with the information before the expiry date.

Key considerations

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Community impact / Contribution to the Bury 2030 Strategy

Not Applicable

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Not Applicable	

Consultation:

Not Applicable

Legal Implications:

As set out in the report the Council's Constitution delegates determination of all new applications and all renewals for hackney carriage and private hire driver and vehicles licences where the relevant policy, guidelines criteria or legislative provisions is not complied with, to the Licensing and Safety Committee. It further delegates to the Committee the power to suspend and/or revoke such licences.

This report requests that the Committee approve delegation to the job roles to suspend hackney carriage/private hire drivers licences, the circumstances of which are set out within this report. This is within the remit of the Committee and it does not require the approval of full Council.

Financial Implications:

There are no specific issues from the report other than potential costs/risks associated with legal appeals

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Background papers:

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
Enhanced DBS certificate	Criminal Records Certificate issued by the Disclosure and Barring Service