

<b>Classification</b>	<b>Item No.</b>
<b>Open / Closed</b>	

<b>Meeting:</b>	Licensing and Safety Committee
<b>Meeting date:</b>	5 June 2025
<b>Title of report:</b>	Request for Officer Delegation to Suspend Public / Private Hire Driver Licences where consent has not been given for a check to be carried out by the Licensing Service
<b>Report by:</b>	Executive Director (Corporate Core)
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	All

### Executive Summary

This report requests that the Committee approve delegation to officers to immediately suspend Hackney Carriage and Private Hire Drivers Licences who have not given their consent to the Licensing Service for a check to be carried out to ascertain if they are on the DBS update service, to suspend if they have not applied for a enhanced DBS check and registered on the DBS update service or the Licensing Service have not been supplied with the Enhanced DBS information before the expiry date of their current DBS Certificate

### Options & Recommended Options

1. To delegate to the Head of Public Protection, Licensing Unit Manager, and the Deputy Licensing Officer to immediately suspend Hackney Carriage and Private Hire Drivers who have not given their consent to the Licensing Service for a check to be carried out to ascertain if they are on the DBS update service, to immediately suspend if they have not applied for a enhanced DBS check and registered on the DBS update service or the Licensing Service have not been supplied with the Enhanced DBS information before the expiry date of their current DBS Certificate
2. To reject the delegation outlined above

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**Key considerations**

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

This paper is in the public domain.

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**Community impact / Contribution to the Bury 2030 Strategy**

Not applicable

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**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.*

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**Assessment of Risk:**

The following risks apply to the decision:

Risk / opportunity	Mitigation
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Not Applicable	.
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### **Consultation:**

Not applicable

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### **Legal Implications:**

Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

The costs of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.

Members are advised that Licences are regarded as possessions within the terms of the Human Rights Act 1998. Under the Act everyone is entitled to the peaceful enjoyment of one's possessions and so actions interfering with those possessions must be lawful, reasonable and proportionate. It is lawful to impose reasonable conditions as a way of protecting the safety of the travelling public, so long as it is not out of proportion. It is a balancing act between the public interest and the individual's rights.

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### **Financial Implications:**

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

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### **Report Author and Contact Details:**

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### **Background papers:**

Licensing and Safety Committee Report and Minutes 8 June 2025

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

Term	Meaning
None	

## **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 the Licensing Service have conducted a procurement exercise in relation to the checking of applicants/existing holders of Hackney Carriage and Private Hire criminal records.
- 1.5 The Licensing Service have been requested to obtain the consent of every licensed driver to undertake a check to see if the licence holder is registered for the DBS update service.
- 1.6 This has resulted in several emails being sent to all licensed drivers to obtain their consent to undertake this check.
- 1.7 The Licensing Service have received consent for a large proportion of the drivers, however there are still 120 outstanding as at 21 May 2025. Therefore, the Licensing Service are requesting delegation to immediately suspend under the Road Safety Act those Hackney Carriage and Private hire drivers licences until the consent has been given.

## **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 immediately suspend under the Road Safety Act their hackney carriage/private hire driver's licences who have not given their consent to the Licensing Service for a check to be carried out to ascertain if they are

on the DBS update service, to immediately suspend if they have not applied for a enhanced DBS check and registered on the DBS update service or the Licensing Service have not been supplied with the Enhanced DBS information before the expiry date of their current DBS Certificate

### **3.0 Conclusion**

3.1 Members are requested to consider the report.