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## **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING ENFORCEMENT POLICY**

### **1 SUMMARY**

- 1.1 This report seeks Members' approval to a new Hackney Carriage and Private Hire Licensing Enforcement Policy. The Policy is intended to be a working document to guide Authorised Officers when making decisions on licensing and enforcement matters in the course of their duties. The Policy is also aimed at assisting members of the Appeals Committee in making fair and consistent decisions when determining the suitability of new applicants and existing licence holders.

### **2 INTRODUCTION**

- 2.1 The Council is responsible for the licensing of hackney carriage and private hire vehicles, drivers and operators and to ensure the comfort and safety of the travelling public.
- 2.2 There are 323 licensed drivers, 253 licensed vehicles and 30 licensed private hire operators. Licences are renewable on an annual basis from the date of application.
- 2.3 The Council has pre-licence conditions and licence conditions, for hackney carriage and private hire vehicles, drivers and operators and these are referred to when determining the suitability of new applications and existing licence holders.
- 2.4 Matters may arise that are not specifically covered in the licence conditions and therefore local authorities refer to the relevant regulations and legislation for licensing and enforcement matter. These are the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847 and the Road Traffic Act.

### **3 THE ENFORCEMENT POLICY**

- 3.1 The proposed Enforcement Policy is attached at Appendix 1, and covers advice and guidance for Authorised Officers in dealing with various issues to ensure that a fair and consistent approach is adopted when dealing with new applicants, existing licence holders and enforcement matters.
- 3.2 The Policy is intended to guide Authorised Officers on when to deal with issues by way of an informal approach, such as a verbal warning or a written warning, or by issuing a deferred statutory vehicle notice. If the matter in hand is of a more serious nature the Policy will guide an Authorised Officer to a more formal approach such as the issue of a statutory suspension vehicle notice, a referral to the Appeals Committee for hearing or to refer the matter for prosecution.

- 3.3 The Policy is also aimed at assisting Members of the Appeals Committee when making decisions on new applicants and existing licence holders, following an Appeal Hearing.
- 3.4 When making decisions Members will have the Enforcement Policy, the Council Licence Conditions and previous decisions made with background information on each case for guidance. These documents will be available to Members at every Appeal Hearing to assist them in making fair, consistent and appropriate decisions.
- 3.5 The Enforcement Policy is comprehensive and every effort has been made to cover issues that have previously been dealt with by Authorised Officers or by Members at Appeal Committee Hearings.
- 3.6 The content of the Policy is in line with the Hackney Carriage and Private Pre-Licence Conditions and Licence Conditions, guidance from the Rehabilitation of Offenders Act 1974 and the Legislation mentioned earlier in the report covering hackney carriage and private hire licensing.

#### **4 APPEALING AGAINST DECISIONS**

- 4.1 It is important that any decision made is consistent, balanced, fair, and relates to a common standard, which will ensure the public is adequately protected and any appeal made to the Magistrates Court can be defended.
- 4.2 A new applicant or existing licence holder aggrieved by the decision of the Council has a right of appeal against that decision to the Magistrates Court. When an appeal has been lodged with the Court, the decision be it suspension, revocation or additional conditions attached to the licence, will be suspended until the outcome of the appeal.

#### **5 RISK IMPLICATIONS**

- 5.1 This Policy is intended to ensure that fair and consistent decisions are made in relation to the licensing and enforcement of hackney carriage and private hire vehicles, drivers and operators. There is a risk if the Policy is not adopted of inconsistency and failure to justify decisions following appeals at the Magistrates Court. The Council has an obligation to ensure that drivers and proprietors comply with the regulations and council licence conditions and any breaches are drawn to the attention of the Appeals Committee.

#### **6 LEGAL IMPLICATIONS**

- 6.1 Any decision made is open to appeal at the Magistrates Court and therefore must be appropriate and justified. The Council must be satisfied that they are able to defend any decision made, at the Court.
- 6.2 The proposed policy has been reviewed by Legal Services.

**7 RECOMMENDATION**

- 7.1 It is proposed that the Board **RESOLVES** that the Hackney Carriage and Private Hire Licensing Enforcement Policy be approved.

Shaun Scrutton

Head of Planning and Transportation

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**Background Papers:-**

None

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