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## **REVISED ARRANGEMENT FOR DEALING WITH HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES, DRIVER'S AND OPERATOR'S LICENCE APPEALS**

### **1 SUMMARY**

- 1.1 This report proposes the introduction of a new arrangement for dealing with simpler, more straightforward infringements of the licence conditions relating to hackney and private hire vehicles, driver's and operator's licences by the introduction of a report and referral procedure.

### **2 INTRODUCTION**

- 2.1 At present the Appeals Committee deals with all reports of infringements of hackney carriage and private hire vehicles, driver's and operator's licences by way of a report and a formal meeting of the Committee. In some cases the infringements are of a relatively minor nature, but the current procedure does not provide for an alternative arrangement to deal with such infringements, thus avoiding the need for a meeting of the Committee.

### **3 PROPOSED OPTION**

- 3.1 A 'Weekly List' procedure has been in operation in Planning for many years. Every week, a report is prepared with a recommendation on a number of minor, less controversial applications. The report is circulated to all Members and if the applications are not referred by a Member to the next Development Committee, decisions are issued in accordance with the recommendation of the Chief Officer.
- 3.2 It is proposed that a similar arrangement might be operated for infringements of hackney carriage and private hire vehicles, driver's and operator's licences.
- 3.3 The procedure would operate as follows:-
- Head of Service considers the severity of the infringement and determines whether the matter can be reasonably dealt with by a 'report notification' rather than a full report to the Appeals Committee.
  - Report prepared with a recommendation and circulated to the Members of the Appeals Committee (Not all Members of the Council).
  - Each Member of the Appeals Committee to then read the report and determine by a specified date whether they are content with the officer recommendation or whether they consider the matter should be referred to the Appeals Committee for a decision.
  - If no Member of the Appeals Committee refers the officer report, the recommended decision then becomes the decision of the Council and the decision is issued accordingly.

- If the recommendation is that a penalty is appropriate for the reported infringement, the driver then has the right to make an appeal to the Magistrates' Court.
- 3.4 It is envisaged the new procedure would reduce the number of meetings of the Appeals Committee and provide for a simpler mechanism to deal with a number of the more straightforward infringements of hackney carriage and private hire driver's licences. Members with a concern about a recommendation would retain the right to refer the matter to a full meeting of the Appeals Committee.
- 3.5 More contentious infringements of the licence conditions would automatically be reported to the Appeals Committee, but the judgment for items to be considered through the reporting procedure would be at the discretion of the Head of Service, bearing in mind that any item reported can be referred to the Committee. On that basis, there would not be a need to specify particular types of infringement to be considered through the reporting procedure, thus simplifying the proposed new arrangements.

#### **4 RISK IMPLICATIONS**

- 4.1 It is not considered there is an organisational or reputational risk associated with the introduction of the proposed report referral procedure.

#### **5 RESOURCE IMPLICATIONS**

- 5.1 The Appeals Committee does not meet very frequently, but nevertheless there would be a saving in resources if the number of meetings could be reduced by the introduction of the proposed report procedure.

#### **6 LEGAL IMPLICATIONS**

- 6.1 There is a formal procedure in place for dealing with infringements to hackney carriage and private hire vehicles, driver's and operator's licences. The Council must consider the infringement and issue a decision. Thereafter, the driver has the right to make an appeal to the Magistrates' Court challenging the Council's decision.
- 6.2 The proposed report notification procedure will fulfil the requirements to make a formal decision, whether that decision is issued through a delegation following a report to Members, or directly by the Appeals Committee.
- 6.3 The revised procedure, if agreed, will be included in a revision to the Constitution. The report to the Members of the Appeals Committee would need to be dealt with as an exempt matter.

**7 RECOMMENDATION**

- 7.1 It is proposed that Council **RESOLVES** to introduce a new report and referral procedure for dealing with infringements to hackney carriage and private hire vehicles, driver's and operator's licences, as outlined in the report.

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**Background Papers:-**

None.

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