

# **Report to the Licensing Committee**



**Date of meeting:** 15 October 2008.

**Epping Forest  
District Council**

**Subject:** Hackney Carriage and Private Hire Delegated Authority.

**Responsible Officer:** Alison Mitchell (01992-564017).

**Democratic Services Officer:** Gary Woodhall (01992-564470).

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## **Recommendations/Decisions Required:**

**To amend the delegated authority to grant and renew the Hackney Carriage and Private Hire Drivers Licences as set out in the report.**

## **Other Options for Action:**

- (i) Not to grant any delegated authority to officers. This would lead to delays in granting new and renewing existing licences.
- (ii) To allow officers to decide all cases. There is an opportunity to appeal to the magistrates' court against any decisions this is less likely to happen if an applicant can see that there are three councillors considering the decision.

## **Report:**

1. At the last review of the schedule of delegations the Head of Corporate Support Services, the Assistant Head (Legal) and the Senior Licensing Officer were given power to authorise suitably qualified officers to exercise functions that were listed as schedule 2 to the Schedule of Delegations in the Constitution. This included the right to issue licences to drivers of Hackney Carriages and Private Hire Vehicles under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

2. Prior to this amendment the officer's delegated authority had been limited. It is proposed that subject to a small variation the powers should be limited in a similar way so that where there are convictions that are not spent or relevant driving offences then the application must be referred to the Licensing Sub-Committee.

3. The proposed amended delegation is as follows:

*All applications for Hackney Carriage and Private Hire Vehicle drivers' licences will be determined by the Head of Corporate Support Services, the Assistant Head (Legal) and the Senior Licensing Officer or suitably qualified officers authorised by them to exercise this function except in the following circumstances when the application will be referred to the sub-committee.*

*Where there have been breaches of condition of a previous drivers licence or related law in the preceding twelve months.*

*An applicant fails to comply with the Council's licensing procedure or meet the experience or*

*medical fitness requirements.*

*Where in the opinion of the Council's medical advisor (or doctor nominated by him), an applicant is not medically fit to hold a driver's licence.*

*An applicant for a driver's licence has any unspent criminal convictions.*

*An applicant has motoring convictions listed below:*

*Disqualification from driving by a court for any reason within the preceding five years; or*

*An accumulation of a total of 10 or more penalty points from endorsable motoring offences in any of the preceding five years; or*

*Any unspent conviction for an offence or offences within the following categories*

*CD10 Driving without due care and attention*

*CD20 Driving without reasonable consideration for other road users*

*CD30 Driving without due care and attention or without reasonable consideration for other road users*

*CD40 Causing death through careless driving when unfit through drink*

*CD50 Causing death by careless driving when unfit through drug*

*CD60 Causing death by careless driving with alcohol level above the limit*

*CD70 Causing death by careless driving then failing to supply a specimen for analysis*

*DD30 Reckless driving*

*DD40 Dangerous driving*

*IN10 Using a vehicle uninsured against third party risks.*

4. Where Head of Corporate Support Services, the Assistant Head Legal Services or the Senior Licensing Officer consider it appropriate to exercise her discretion by reason of their concern as to the suitability of the applicant they may refer the application to the licensing sub-committee.

5. The Head of Corporate Support Services, the Assistant Head (Legal) and the Senior Licensing Officer may grant at their discretion a licence for a short period until the next meeting of the licensing sub-committee if a driver wishing to renew his or her licence has committed an offence such that there is no delegated authority to renew the licence.

**Resource Implications:**

None.

**Legal and Governance Implications:**

The Local Government (Miscellaneous Provisions) Act 1976.

The Town Police Clauses Act 1847.

**Safer, Cleaner and Greener Implications:**

None.

**Consultation Undertaken:**

None.

**Background Papers:**

None.

**Impact Assessments:**

Not undertaken.