

CAMBRIDGE CITY COUNCIL

REPORT OF: Yvonne O'Donnell
Environmental Health Manager

TO: Licensing Committee

30/1/2017

WARDS: All

**DELEGATED AUTHORITY TO HEAD OF ENVIRONMENTAL SERVICES
IN RELATION TO HACKNEY CARRIAGE AND PRIVATE HIRE
VEHICLES, TRISHAWS, PROPRIETORS, DRIVERS AND OPERATORS**

1 INTRODUCTION

1.1 On 17th October 2016 a report came to Licensing Committee recommending that members approve the delegated decision making process in the Hackney Carriage and private hire Licensing Policy and update of the Council's Constitution.

1.2 As part of that committee report members were asked to approve the delegated decision making process in the Hackney Carriage and Private Hire Licensing Policy as outlined in the table below

Current	Proposed
<p>The Council has delegated the following powers to the Head of Service:</p> <p>i) Hackney Carriages, private hire vehicles and trishaws except: the suspension of a driver's or a vehicle licence, unless the driver or proprietor of the vehicle, as appropriate, is informed of the right to appeal to the Licensing Sub-Committee within 14 days and in the event of such an appeal, the matter shall be heard</p>	<p>The Council has delegated its Licensing function to the Licensing Committee and further delegated authority to the Licensing Sub Committee and to Officers of the Council who will determine applications and licensing decisions in accordance with the Policy.</p> <p>Any decision to refuse to grant, refuse to renew or suspend an application or any decision relating to the policy will be determined by Officers through the scheme of delegation. The applicant</p>

<p>within 7 days of receipt of the appeal.</p> <p>The Council has delegated to the Licensing Committee, who subsequently delegated to the Licensing Sub-Committee, the following powers relating to the licensing of Hackney Carriages and Private Hire Vehicles, the drivers of Hackney Carriages and Private Hire Vehicles, and the Operators of Private Hire Vehicles:</p> <ul style="list-style-type: none"> i) To grant an application for a Licence ii) To attach conditions to a Licence iii) To refuse an application for the grant of a Licence iv) To refuse to renew an existing Licence iv) To suspend a Licence v) To revoke a Licence 	<p>will have the right of appeal to the Magistrates Court.</p> <p>All decisions regarding breaches of the Enforcement Management System will be determined by the Licensing Sub Committee with a right of appeal to the Magistrates Court.</p>
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1.3 The second part of that committee report asked members to recommend, to amend the Constitution as outlined in the table below:

Current	Proposed Amendment
<p>The Council has delegated the following powers to the Head of Service:</p> <p>i) Hackney Carriages, private hire vehicles and trishaws except: the suspension of a driver's or a vehicle licence, unless the driver or proprietor of the vehicle, as appropriate, is informed of the right to appeal to the Licensing Sub-Committee within 14 days and in the event of such an appeal, the matter shall be heard within 7 days of receipt of the appeal.</p>	<p>The Council has delegated the following powers to the Head of Service:</p> <p>i) Hackney Carriages, private hire vehicles and trishaws</p> <p>Except for all decisions regarding breaches of the Enforcement Management System will be determined by the Licensing Sub Committee with a right of appeal to the Magistrates Court</p>

Members of the Licensing Committee did approve the amendments to the Policy and the Constitution.

1.4 However, when reviewing the agreed amendment, Officers considered that it did not provide sufficient flexibility for the Head of Service to make decisions in urgent and unusual situations.

1.5 This report seeks to clarify what is in the Hackney Carriage and Private Hire Licensing Policy and to further amend the constitution to allow the Head of Service to have the flexibility to make decisions according to circumstances which may require urgent attention.

2. RECOMMENDATIONS

2.1 It is recommended that members approve the delegated decision making process in the Hackney Carriage and private Hire Licensing Policy as outlined in the table below:

Current	Proposed
<p>The Council has delegated its Licensing function to the Licensing Committee and further delegated authority to the Licensing Sub Committee and to Officers of the Council who will determine applications and licensing decisions in accordance with the Policy.</p> <p>Any decision to refuse to grant, refuse to renew or suspend an application or any decision relating to the policy will be determined by Officers through the scheme of delegation. The applicant will have the right of appeal to the Magistrates Court.</p> <p>All decisions regarding breaches of the Enforcement Management System will be determined by the Licensing Sub Committee with a right of appeal to the Magistrates</p>	<p>The Council has delegated its Licensing function to the Licensing Committee and further delegated authority to the Licensing Sub Committee and to Officers of the Council who will determine applications and licensing decisions in accordance with the Policy.</p> <p>Any decision to refuse to grant, refuse to renew or suspend an application or any decision relating to the policy will be determined by Officers through the scheme of delegations. The applicant will have the right of appeal to the Magistrates Court.</p> <p>All decisions regarding breaches of the Enforcement Management System will be determined by the Licensing Sub Committee with a right of appeal to the Magistrates Court.</p> <p>If it appears that the interests of public</p>

Court.	<p>safety require the suspension or revocation of the licence of a driver with immediate effect, the Head of Service or his/her deputy, in consultation with the Chair of Licensing has the delegated authority to make such a decision.</p> <p>The driver has the right of appeal against the decision to the Magistrates Court.</p>
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2.2 It is recommended that members amend the constitution as outlined in the table below:

Current	Proposed Amendment
<p>The Council has delegated the following powers to the Head of Service:</p> <p>i) Hackney Carriages, private hire vehicles and trishaws</p> <p>Except for all decisions regarding breaches of the Enforcement Management System will be determined by the Licensing Sub Committee with a right of appeal to the Magistrates Court</p>	<p>The Council has delegated the following powers to the Head of Service:</p> <p>All matters relating to Hackney Carriage, Private Hire, and Trishaw vehicles, and the drivers, proprietors and operators of those vehicles.</p>

3. **CONSULTATIONS**

Officers within Legal Services and Committee Services have been consulted on these amendments

4. **CONCLUSIONS**

4.1 The Licensing Committee and the Head of Service through the Environmental Health Manager have the responsibility to ensure that that all appropriate delegation are in place to make any necessary decisions in line with policies and procedures in relation to Hackney Carriage, Private Hire, and Trishaws, Vehicles, drivers, proprietors and operators.

5. IMPLICATIONS

(a) Financial Implications

None

(b) Staffing Implications

None

(c) Equality and Poverty Implications

An Equality Impact Assessment has been undertaken as part of the Hackney Carriage and Private Hire Licensing Policy review in October 2016, which included the impact of the change in relation to delegated decision making.

(d) Environmental Implications

None

(e) Procurement

None

(f) Consultation and communication

As above

(g) Community Safety

Cambridge City Council has a duty to provide a Hackney Carriage and Private Hire Service which is as safe as possible.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

Hackney Carriage and Private Hire Taxi Policy

Hackney Carriage and Private Hire Taxi Handbook

Equality Impact Assessment for the Policy

To inspect these documents contact Yvonne ODonnell on extension 7951.

The author and contact officer for queries on the report is Yvonne O'Donnell on extension 7951 .

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