

Item

## **PRIVATE HIRE OPERATORS LICENCE HEARING PROCEDURE**



**To:**

Licensing Committee

**Report by:**

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**Wards affected:**

All

### **1. Introduction**

- 1.1 The purpose of this report is for members to consider and approve the procedure for determining Private Hire Operator's Licences where it is appropriate to be considered by Licensing Sub-Committee.
- 1.2 Private Hire Operator's may be presented to Licensing Sub-Committee under a number of different circumstances. This includes all applications that are classed as a 'first renewal', any new or subsequent applications at the officer's request, or where information has been received which brings into question the fitness and propriety of that Operator.
- 1.3 This report proposes the process that Cambridge City Council will take when determining such Private Hire Operators' Licences.

### **2. Recommendations**

- 2.1 Members are recommended to:
  - 2.1.1 Note and approve the procedure for the process of determining Private Hire Operator's Licences, as set out in Appendix A.

### **3. Background**

- 3.1 Cambridge City Council has a duty to ensure that a safe and secure 'taxi' service is available to the public.
- 3.2 As part of this overarching duty, Private Hire Operator licence's are issued under section 55 of Local Government (Miscellaneous Provisions) Act 1976.
- 3.3 Section 62 of Local Government (Miscellaneous Provisions) Act 1976 goes on to allow a local authority to suspend, revoke or refuse to renew an operator's licence under certain circumstances, including a material change and where the operator is rendered unfit.
- 3.4 This report outlines the circumstances under which a Private Hire Operators Licence may be determined by Licensing Sub-Committee, and the process to be followed when such a Hearing takes place.
- 3.5 **Circumstances under which a Private Hire Operator's Licence is Determined by Licensing Sub-Committee.**
- 3.6 The various circumstances under which a Private Hire Operators Licence are to be determined by Licensing Sub-Committee are detailed in Appendix B and outlined in paragraphs 3.7 to 3.11 below.
- 3.7 Any application classed as a 'first renewal' application will be referred to Licensing Sub-Committee who will review the matter to determine whether the applicant is a fit and proper person(s) to hold an operator's licence.
- 3.8 A first renewal application is for any operator wishing to renew the licence at the expiry of first year of holding the licence. An Operator will need to demonstrate that they have been operating a private hire business for the full duration of the licence (one year). This is defined in the Hackney Carriage and Private Hire Handbook (Appendix P, Page 153).
- 3.9 Any new application for a Private Hire Operator's licence that reveals relevant convictions or raises doubts as to the fit and proper status of the applicant due to the information provided in the application form and subsequent inspection will be referred to Licensing Sub-Committee.
- 3.10 Any subsequent renewal after the first renewal application that is received will require the application form and an inspection to take place. If in the course of the renewal application or the inspection issues are discovered that lead officers to question the fit and proper status of

the licence holder, then the matter will be presented to Licensing Sub-Committee to decide whether the renewal should be granted or not.

- 3.11 At any time during which a Private Hire Operator is licensed by Cambridge City Council and information comes to light that gives reasons to doubt their fit and proper status, the Operator may be presented to Licensing Sub-Committee for members to decide whether the licence should be revoked or suspended. This information could be the result of an inspection carried out by officers, complaints received regarding the operator, or new information that comes to light.
- 3.12 **Procedure to be followed at a Private Hire Operators' Licence Hearing**
- 3.13 The procedure to be followed at any such Private Hire Operator Licence Hearing is detailed in Appendix A.
- 3.14 Private Hire Operator Licence Hearings will be open to the public to attend, although members of the public attending will not normally be permitted to speak, nor pose public questions.
- 3.15 Present at the hearing will be members of the Licensing Sub-Committee, the Licensing Officer, and a Legal Officer who will be the Sub-Committee's legal advisor. A Committee Manager and the applicant may also be present.
- 3.16 When dealing with new applications that require a decision from Sub-Committee, members will have four options open to them:
- Issue the Operator's licence for the standard 1 year period.
  - Issue the Operator's licence for a limited duration up to 1 year.
  - Issue the Operator's licence with additional conditions if deemed necessary.
  - Refuse to issue the Operator's licence.
- 3.17 When dealing with first renewal applications and subsequent renewal applications that require a decision from Sub-Committee, members will have 4 options open to them:
- Renew the Operator's licence for the standard 1 year or 5 year period.
  - Renew the Operator's licence for a limited duration up to 5 years.
  - Renew the Operator's licence with additional conditions if deemed necessary.
  - Refuse the renewal.

- 3.18 When dealing with an Operator that is already licensed and has been brought before the Sub-Committee due to information coming to light that gives reasons to doubt their fit and proper status, members will have 5 options open to them:
- Take no further action
  - Send a written warning letter.
  - Add additional conditions to the licence if deemed necessary.
  - Suspend the licence
  - Revoke the licence.
- 3.19 All decisions made must be made with regard to whether the applicant or operator is deemed fit and proper, and all licensed and potential Private Hire Operators are required to show that they are fit and proper persons to hold such a licence.
- 3.20 In making any of the above decisions, Members must give consideration to section 62 of the Local Government (Miscellaneous Provisions Act) 1976 (see Appendix C) and Members are required to give their reasons for any decision made.

## **4. Implications**

### **(a) Financial Implications**

There are no financial implications.

### **(b) Staffing Implications**

There are no staffing implications.

### **(c) Equality and Poverty Implications**

There are no Equality and Poverty implications.

### **(d) Environmental Implications**

There are no environmental implications.

### **(e) Procurement Implications**

There are no procurement implications.

### **(f) Community Safety Implications**

There are no community safety implications.

## **5. Consultation and communication considerations**

There has been no requirement to consult on this process.

## **6. Background papers**

Background papers used in the preparation of this report:

- (a) Local Government (Miscellaneous Provisions) Act 1976
- (b) Hackney Carriage and Private Hire Licensing Policy
- (c) Hackney Carriage and Private Hire Taxi Handbook

## **7. Appendices**

Appendix A – Private Hire Operators Licence – Sub-Committee Hearing Procedure

Appendix B – Circumstances under which a Private Hire Operators Licence will be presented to Licensing Sub-Committee

Appendix C - Section 62 Local Government (Miscellaneous Provisions) Act 1976

## **8. Inspection of papers**

To inspect the background papers or if you have a query on the report please contact Luke Catchpole, Technical Officer, tel: 01223 - 457818, email: [luke.catchpole@cambridge.gov.uk](mailto:luke.catchpole@cambridge.gov.uk)