



Item

**Amendments to the Delegation in Relation to Hackney Carriage and Private Hire Decisions.**

**To:**

Licensing Committee 27/06/2022

**Report by:**

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**Wards affected:**

All

## 1. Introduction / Executive Summary

- 1.1 Under the powers conferred to Cambridge City Council under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, (as amended), Cambridge City Council has responsibility for licensing Hackney Carriage, Private Hire and Dual License Drivers as well as vehicle proprietors and Private Hire Operators within the City.
- 1.2 As a responsible licensing authority Cambridge City Council seeks to carry out its licensing functions with the view of promoting the following objectives;
  - i) The safety and protection of the public;
  - ii) Vehicle safety, comfort and access;

- iii) The prevention of crime and disorder;
  - iv) The promotion of environmental sustainability;
  - v) Protection of children and adults at risk from harm
- 1.3 The Hackney Carriage and Private Hire Licensing policy was produced in order to provide the Council, its officers, the trade and the public with appropriate guidelines that put the Council's licensing requirements into practice in a clear and transparent manner.
- 1.4 The policy outlines the delegations from Licensing Committee to Licensing Sub Committee and to Officers
- 1.5 Clarity is required within the Policy to give more delegated authority to the Environmental Health Manager on Enforcement Management issues.
- 1.6 A review of the Private Hire Operators Hearing Procedure is also required to ensure there is appropriate delegation.

## **2. Recommendations**

Members are recommended to approve the amended:

- 2.1 Cambridge City Council's Hackney Carriage and Private Hire Licensing Policy attached as Appendix 1
- 2.2 Private Hire Operators Hearing Procedure attached as Appendix 4

## **3. Background**

- 3.1 The Department for Transport (DfT) first issued its Best Practice Guidance in October 2006 and updated it in March 2010. The guidance is not statutory; however, the document is intended to assist licensing authorities. Paragraph 4 of the guidance states that 'it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations'
- 3.2 The policy provides the Council, and Council Officers who are required to administer the licensing function, with appropriate guidelines within which to act. In exercising its discretion in carrying out its regulatory

functions, the Council shall have regard to the Hackney Carriage and Private Hire Licensing Policy document.

- 3.3 In 2016 there was a major review of the various taxi and private hire policy documents and in October 2016 Licensing Committee agreed a new overarching policy including clarity of the delegations to Licensing Committee and Licensing Sub Committee.

The Policy states “ *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.*”

- 3.4 The Enforcement Management System (see Appendix 2) is a systematic way for Officers to determine what course of enforcement action they should be taking against drivers, proprietors, and operators when information is received.
- 3.5 Where a case reaches a Level 3 of the Enforcement Management System this matter would generally be referred to Licensing Sub Committee for a decision, by a panel of members.
- 3.6 During Covid, legislation allowed these decisions to be made remotely. However, in July 2021 Government removed that flexibility for member decisions to be made remotely and this meant any taxi licensing decisions would have to be made in person.
- 3.7 A decision was taken that during these exceptional circumstances, that any taxi licensing hearings could be heard by the Environmental Health Manager.
- 3.8 Due to the pandemic, continued changes in how some hearings are held and the time and cost involved for hearings of the Licensing Sub-Committee, a trial has been held with the Environmental Health Manager hearing cases.
- 3.9 Since January 2022, the Environmental Health Manager has heard three taxi driver hearings, all of whom had reached level 3 of the Enforcement Management system.

- 3.10 The Team Manager (Commercial and Licensing ) will make the decision whether a hearing is to be held by the Licensing Sub-Committee or the Environmental Health Manager on a case-by-case basis.
- 3.11 Where a driver has received points on his DVLA licence, not provided relevant paperwork or a historic offence on a DBS that is now being looked at after the adoption of the “standards” would be examples of cases that could be heard by the Environmental Health Manager.
- 3.12 The amended Hackney Carriage and Private Hire Licensing Policy with highlighted changes is attached to the report as Appendix 1. (For reference the changes are on page 12 and pages 57-58)
- 3.13 At Licensing Committee in January 2018 members agreed to adopt a new Private Hire Operator Hearing Procedure. This requires that a first renewal application after one year for a Private Hire Operator should be referred to Licensing Sub Committee to determine their status as a fit and proper operator to retain their licensing for a further 1 or 5 years. The procedure adopted in 2018 has been attached to the report as Appendix 3.
- 3.14 To reduce the burden of costs and resources for both Officers and Members it has been explored that first renewals will be granted by Officers if the inspecting officer is satisfied with the application and outcome of the inspection. If the inspecting officer has any concerns regarding the grant of the renewal, the application will be referred to the Licensing Sub-Committee or the Environmental Health Manager to decide whether to grant or refuse the renewal application. A copy of the amended procedure is attached to the report as Appendix 4.

## **4. Implications**

### **a) Financial Implications**

Nil.

### **b) Staffing Implications**

Nil.

**c) Equality and Poverty Implications**

Nil.

**d) Environmental Implications**

Nil.

**e) Procurement Implications**

Nil.

**f) Community Safety Implications**

Nil.

**5. Background papers**

a) The Hackney Carriage and Private Hire Taxi Handbook.

**6. Appendices**

Appendix 1 – Amended Hackney Carriage and Private Hire Licensing Policy with highlighted changes

Appendix 2 - Enforcement Management System

Appendix 3 – Private Hire Operator Procedure from 2018

Appendix 4 – Amended Private Hire Operator Procedure 2022

**7. Inspection of papers**

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