

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 28th September 2010

CONTACT OFFICER: Michael Sims, Licensing Manager
(01753 477387)
Patrick Kelleher, Assistant Director, Public Protection
(01753 875211)

WARD(S): All

PART I

FOR DECISION

REVIEW OF DELEGATED POWERS

1. **Purpose of Report**

For the Licensing Committee to consider amendments to the original recommendations approved by the Licensing Committee on 24th February 2010 for powers to be delegated from the Licensing Committee to the Assistant Director, Public Protection in respect of Private Hire and Hackney Carriage licensing, following consultation with Private Hire and Hackney Carriage trade representatives.

2. **Recommendation to Council**

That the Licensing Committee consider the amendments to the original recommendations approved by the Licensing Committee on 24th February 2010 for powers to be delegated from the Licensing Committee to the Assistant Director, Public Protection in respect of Private Hire and Hackney Carriage licensing as outlined in this report following consultation with trade representatives and:-

- (a) To decide if the amendments should be approved and if so for the original recommendations as approved to be rescinded, or
- (b) That the original recommendations as approved on 24th February 2010 to proceed as originally recommended.
- (c) To formally approve and adopt the 'Decision Making Process'

And, that in either case in (a) or (b) above that the Council's Constitution be amended accordingly.

3. **Community Strategy Priorities**

- **Being Safe, Feeling safe**
- **Prosperity for All**

4. **Other Implications**

- (a) **Financial**

The proposals outlined in this report will, if approved, generate significant savings by reducing the number of Sub-Committee meetings required to be called, therefore reducing the cost to the licensing budget in respect of Legal and Democratic Services officer's time in checking reports, scheduling and attending meetings, member time and attendance and also facilities for room bookings, refreshments and attendance (for evening meetings).

(b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
From section 2 and as detailed within this report at points 6.2, 6.3 and 6.7.	The provisions for the recommendations are already contained within the relevant legislation. These provide for matters to be dealt with far more expeditiously.	By approving the recommendations this will serve to provide an effective, expedient and cost effective way of dealing with matters at the earliest opportunity whilst maintaining the statutory right of appeal to the Magistrates' Court.

(c) Human Rights Act 1998 and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(d) Equalities Impact Assessment

An Equalities Impact Assessment screening has been completed and the conclusions are that there are no adverse or negative impacts of opportunity for any equality target group or for any reasons.

5 Supporting Information

- 5.1 On 24th February 2010 a report was presented to the Licensing Committee for certain powers to be delegated from the Licensing Committee to the Assistant Director Public Protection in respect of Private Hire and Hackney Carriage licensing. The Committee resolved to approve the recommendations as contained in the report and copy of the approved recommendations is attached at **APPENDIX A**. A copy of the minutes of the Committee meeting is attached at **APPENDIX B**.
- 5.2 At the Committee meeting a number of trade representatives expressed concerns over the proposals as approved, which are detailed in the minutes, and these concerns were further expounded upon by the trade representatives after the meeting

- 5.3 Following the Licensing Committee meeting on 24th February, meetings were arranged and held with representatives from Private Hire Operators and from the Private Hire and Hackney Carriage drivers to listen to their concerns and comments, to discuss the approved recommendations with them and to advise of proposed arrangements for a decision making process. Copies of minutes of the meetings are attached at **APPENDIX C**.
- 5.4 Having reflected on the concerns, views and comments of the trade representatives possible amended proposals have now been prepared for consideration of the Licensing Committee.

6. Amended Proposals for Consideration

- 6.1 The amended proposals for consideration in this report are detailed below.

Officers Delegated Powers

- 6.2 Delegated powers to be given to the Assistant Director of Public Protection to suspend / revoke a PH or HC driver's license in any of but not limited to the following areas;
- where a current driver has been found guilty of an offence and has been imprisoned
 - where a current driver has been charged with an offence and has been remanded in police custody
 - conviction for dishonesty, indecency, violence, major traffic offences drunkenness with a motor vehicle, drugs and/or a combination of the listed offences
 - where it is found that the licensee does not have appropriate valid insurance
 - failing to comply with an officers request/obstructing officers in their course of duty
 - any other reasonable cause which includes, but is not limited to,
 - additional information disclosed on CRB check
 - information received from the chief police officer under separate cover
 - Knowingly made a false declaration / statement during the application procedure – Criminal offence Scale 3 - £1,000
- 6.3 Delegated powers to be given to the Assistant Director of Public Protection to refuse to grant a licence for any new applicant who fails to meet any of the criteria as detailed in the legislation or Council policies, including but not limited to;
- convictions (spent or not spent)
 - relevant cautions
 - additional information/separate cover notes received on/after the CRB
 - driving license history – points etc
 - Knowingly made a false declaration / statement during the application procedure. Criminal Offence Scale 3 £1,000
- 6.4 **Matters to be referred to licensing sub-committee (Are as contained in the original recommendations) and detailed below.**

- Private Hire or Hackney Carriage Driver Misconduct

It is proposed that matters of misconduct of Private Hire or Hackney Carriage Drivers where they do not fall within the above categories will still be referred to the licensing sub-committee for Members to determine. The reason for this is that such misconduct matters usually involve complaints and / or evidence from members of the public, the police, other outside agencies or other licence holders. It is usual for the licence holder to dispute the allegations/evidence and/or provide mitigation on the matter and therefore it is felt that these cases should be heard and determined by a Licensing Sub-Committee.

- Private Hire or Hackney Carriage Vehicles

Where the Driver's licence has been suspended or revoked it is generally felt that suspending or revoking the vehicle licence will not be necessary as it would deprive the licence holder of financial income as the vehicle may be rented out to or be used by another licensed driver.

- Private Hire Operators

Private Hire Operator owners provide employment either directly or indirectly by using or employing drivers and vehicles. Where the circumstances are such that Officers feel that any Private Hire Operators Licence should be considered for refusal to renew or be suspended or revoked the matter should be automatically referred to a Licensing Sub Committee to determine.

Any decision to refuse to renew or suspend or revoke an Operators licence would have immense implications on the service they provide to the public and for the drivers and vehicle licence holders that work for the Operator. There would in any case be great opposition and / or mitigation by the licence holder for these courses of action and this can only be dealt with by a Licensing Sub-Committee.

- Borderline decisions

In cases that are borderline, not clear-cut, where Licensing Officers disagree as to what decision/action should be taken or where it is felt necessary and appropriate the matter will be referred to the Licensing Sub-Committee for determination.

6.5 Grey areas

- Cautions

The Licensing Team are aware that a conviction is not the same as a caution however for a caution to be administered and accepted the following has to apply;

- There is a realistic prospect of conviction
- The offender admits the offence
- The offender understands the significance of a caution and gives informed consent to being cautioned

Therefore Members and Officers need to be aware that where any new applicant or current licensee has admitted they were guilty of the offence in order to receive the caution; in addition to this they have signed to the effect that they were guilty when accepting the caution at the police station.

It is felt that where applicants/current license holders have been given cautions the Councils 'Policy and Guidance on Convictions and Cautions to be used when Determining whether or not to Grant, Renew, Suspend or Revoke a Hackney Carriage or Private Hire drivers license or a Private Hire Operators license' should apply. Therefore, based on the details of the case, the information supplied by the Police or on the CRB form, the mitigation or details given by the driver and the guidelines within the policy document, it is requested that delegated powers be given to the Assistant Director of Public Protection Services whether to take no action, issue a warning, suspend/revoke the license or if it is felt necessary and appropriate to refer the matter to a Licensing Sub-Committee for determination.

6.6 As stated in the previous report under the relevant section of the legislation, any person aggrieved by the refusal to grant, renew, suspend or revoke any licence has a statutory right of appeal to the Magistrates' Court. At this time only the Licensing Committee have these powers. To ensure that all matters are dealt with in an efficient, expedient, and cost effective manner the proposed changes to delegated powers are recommended

6.7 Power to Suspend or Revoke a Taxi or Private Hire Driver's Licence with Immediate Effect.

6.8 Section 52 of the Road Safety Act 2006 amended the provisions contained within section 61 LGMP Act 1976 to enable Licensing Authorities to suspend or revoke a taxi or private hire drivers licence with 'Immediate Effect'. On 27th September 2007 The Licensing Committee formally resolved that – 'The power given to the Licensing Authority to suspend or revoke a taxi or private hire driver's licence with 'immediate effect' where they are of the opinion that the interests of public safety require such a course of action, should be delegated to the Licensing Manager, in consultation with the Chair of the Licensing Committee'. **The proposal is that this power should remain as it is and as originally approved in 2007.**

7. Decision Making Process.

7.1 A 'Decision Making Process' has been developed, consulted on and approved by Legal Services to be used by Officers including the Assistant Director Public Protection when either the original recommendations or the amended proposals have been approved by both the Licensing Committee and Full Council. The 'Decision Making Process' is attached at **APPENDIX D** and a flow chart detailing the 'Decision Making Process' is attached at **APPENDIX E**.

8. Conclusion

That the Licensing Committee consider the amendments to the original recommendations approved by the Licensing Committee on 24th February 2010 for powers to be delegated from the Licensing Committee to the Assistant Director, Public Protection in respect of Private Hire and Hackney Carriage

licensing as outlined in this report following consultation with trade representatives and:-

- (a) To decide if the amendments should be approved and if so for the original recommendations as approved to be rescinded, or
- (b) That the original recommendations as approved on 24th February 2010 to proceed as originally recommended.
- (c) To formally approve and adopt the 'Decision Making Process'

and, that in either case in (a) or (b) above that the Council's Constitution be amended accordingly.

Appendices Attached

- 'A' - Licensing Committee Recommendations to Council 24th February 2010 as approved.
- 'B' - Minutes of the Licensing Committee meeting of 24th February 2010.
- 'C' - Copies of minutes of meetings with trade representatives.
- 'D' - 'Decision Making Process'.
- 'E' - Flow Chart of 'Decision Making Process'

Background Papers

Report to the Licensing Committee of 24th February 2010
Report to the Licensing Committee of 29th September 2009
Local Government (Miscellaneous Provisions) Act 1976
Equality Impact Assessment Screening

APPENDIX A

Licensing Committee Recommendations to Council 24th February 2010:-

- (a) Delegated powers to be given to the Assistant Director of Public Protection to suspend / revoke a Private Hire or Hackney Carriage driver's licence in any of but not limited to the following areas:
- where a current driver has been found guilty of an offence and has been imprisoned
 - where a current driver has been charged with an offence and has been remanded in police custody
 - conviction for dishonesty, indecency, violence, major traffic offences
drunkenness with a motor vehicle, drugs and/or a combination of the listed offences
 - where it is found that the licensee does not have appropriate valid insurance
 - failing to comply with an officers' request/obstructing officers in the course of their duties
 - any other reasonable cause which includes, but is not limited to,
 - additional information disclosed on CRB check
 - information received from the chief police officer under separate cover
 - CCTV footage of incidents
 - Officers witnessing incidents, e.g. vehicles driving through red lights
 - Knowingly making a false declaration / statement during the application procedure.
- (b) Delegated powers to be given to the Assistant Director of Public Protection to suspend / revoke a Private Hire or Hackney Carriage vehicle license in any of but not limited to the following areas:
- where the vehicle is mechanically unfit to be a licensed vehicle and convey members of the public (defined via Certificate of Compliance or any other reason)
 - where there is no appropriate insurance in place
 - where the vehicle is visually unfit to be a licensed vehicle (suspension for a period of time to allow the licensee to repair or fix the problems).
- (c) Delegated powers to be given to the Assistant Director of Public Protection to refuse to grant a licence for any new applicant who fails to meet any of the criteria as detailed in the legislation or Council policies, including but not limited to:
- convictions (spent or not spent)
 - relevant cautions
 - additional information/separate cover notes received on/after the CRB
 - driving license history – points etc
 - a new application from a person who has recently had their license revoked by this or another licensing authority (including the Public carriage Office)
 - Knowingly makes a false declaration / statement during the application procedure

- (d) Delegated powers to be given to the Assistant Director of Public Protection to grant a licence with specific conditions attached or attach conditions to a licence which has already been granted, for example but not limited to:
- annual CRB for three years
 - driver to attend the licensing office on a monthly basis to provide original evidence of insurance, driving license etc
 - existing driver to undertake and pass DSA driving test within three months
- (e) That power to suspend or revoke a taxi or private hire drivers licence with immediate effect – the principle power to remain with the Licensing Manager and the Chair of the Licensing Committee. In the absence of the Licensing Manager this power should be delegated to any Senior Licensing Officer or Licensing Officer in consultation with the Chair. In the absence of the Chair, this power should be delegated to the Vice-Chair and in his/her absence to any of the three nominated Chairs of the Licensing Sub-Committee.

APPENDIX B

Licensing Committee – Meeting held on Wednesday, 24th February, 2010.

Present:- Councillors Davis (Chair), Dodds, Jenkins, Long, Maclsaac, Rasib, Qureshi and Shine.

Also present under Rule 30:- Councillors P Choudhry and Matloob.

PART 1

17. Apologies for absence

Apologies for absence were received from Councillors Bains, Chohan and Dale-Gough.

18. Declaration of Interest

Councillor Davis declared a personal interest as a member of his family worked for Burnham Cab.

Councillor Maclsaac declared a personal interest as a frequent user of the taxi service.

19. Minutes of the Last Meeting held on 4 November 2009

The Minutes of the meeting held on 4th November, 2009 were approved as a correct record.

20. Review of Delegated Powers

Mr Sims, Licensing Manager stated that a review of delegated powers had been carried out and Members were being requested for powers to be delegated from the Licensing Committee to the Assistant Director for Public Protection in respect of private hire and hackney carriage licensing matters. It was noted that the matter was originally put before the Licensing Committee in September 2009, where Members had raised a number of areas for clarification. The Licensing Manager reminded the Committee that currently where any new applicants with a private hire or hackney carriage driver licence were deemed not to be "fit or proper under the Act or in accordance with the current policy on convictions and cautions the applicant could lodge an appeal and have their application heard by Licensing Sub-Committee. Likewise, where a current licence holder had received any caution conviction or sentence for offences, or where there was a specific matter of misconduct and in the opinion of Licensing Officers, the licensee was deemed not to be fit and proper the matter was referred to a Licensing Sub-Committee.

The current Constitution delegated responsibilities for the purposes of private hire and hackney carriage licensing under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 to both the Licensing Committee, Licensing Sub-Committee and to Officers. However, the specific powers for Officers in relation to the refusal to grant or renew licences and for licences to be suspended or revoked were very limited and these lay primarily with the Licensing Committee and Licensing Sub-Committee.

Members were reminded of the current system, which included officers preparing a report to the Licensing Sub-Committee containing all the relevant information, evidence and fact. A hearing would then be arranged which required the attendance of a licensing officer, a democratic services officer and a legal officer. It was brought to Members attention that on occasions there had been some considerable time between the licensing officer preparing and submitting a report and the matter being heard by the Licensing Sub-Committee. The Licensing Manager stated that all referrals to the Licensing Sub-Committee and any subsequent appeals were time consuming and costly for the Licensing Team, and with the reduction of two staff within the team now even more so. It was proposed that delegating specific powers to Officers would reduce in the number of Sub-Committee meetings required and result in significant savings to the licensing budget, the member allowance claims, officer time in democratic and legal Services preparing for and attending meetings.

A benchmarking exercise had been conducted with twelve other local authorities including Wokingham, Reading, South Bucks, Royal Borough of Windsor and Maidenhead and Bracknell Forest. It was highlighted that the benchmarking exercise had revealed that most local authorities had introduced an officer delegation scheme similar to that being proposed.

Following concern expressed at the previous meeting with regard to the number of requests for deferral made by applicants in respect of their cases before the Sub-Committee, the Licensing Manager stated that following discussion with Legal Services and Democratic Services a clear defined policy with regard to requests for deferral could not be prepared. It was explained that each case should be dealt with on its own individual merit taking into consideration the applicant's reason for not attending the hearing, the reason for requesting an adjournment and the fact that the applicant had just failed to appear with no warning.

In summary, the Licensing Manager stated that the recommendations being proposed would not in any manner be detrimental to any new applicant or current license holder. It was further submitted that the proposals would provide an opportunity for matters to be dealt with in a far quicker and expeditious manner and as always providing the right of appeal to any decision made.

A number of representatives from the trade addressed Members of the Committee with regard to their concerns in relation to the proposed delegation of powers and included:

- (a) Mr Badial, representing Slough Taxi Drivers union, stated that no consultation had taken place with any members of the trade. It was submitted that elected members who represented the community should continue to make decisions and that the current system was operating fine. Furthermore no evidence had been presented that the current system was not working and in his opinion the introduction of the delegated powers would result in an increase in miscarriages of justice.
- (b) Mr S Khan, also representing Slough Taxi Drivers Union stated that the current system was working efficiently and that drivers were happy with elected Members making a decision.
- (c) Mr L Khan, representing Slough Hackney Carriage Association stated that the introduction of delegated powers would result in officers' having to make a subjective decision as to who was a 'fit and proper' person which was not a decision Officers of the Council should be responsible for.
- (d) Mr Ashraf, representing Slough Private Hire Drivers Association reiterated that no consultation had been sought with the trade and that the new system would

be open to abuse by individuals. Mr Ashraf added that drivers had confidence in the current system and that it was essential for any proposed changes to have the support from members of the trade.

Councillors P Choudhry and Matloob also addressed their concerns to the Committee stating that the current system was working efficiently and that the Licensing Sub-Committee was perceived as an impartial body to which both the licensing officer and appellant could present their information. It was submitted that the current system was perceived as fair. Concern was expressed that no consultation had been carried out with regard to the proposed measures. Councillor Choudhry stated that in his opinion, a tier of justice was being taken away from individuals, who would then have to appeal direct to the Magistrates Court if they were not happy with the Officer's decision.

In the ensuing discussion a number of points were raised both in favour and against the proposed delegation of powers and included:

- A Member expressed concern that substantive powers were being delegated to officers and that it was elected Members responsibility to assist the public and therefore Members should not abdicate their responsibility in making these decisions.
- A number of Members stated that the proposed delegated powers would result in a more efficient system which would not only protect the public but also the drivers.
- A Member stated that it was important for there to be third party involvement from the councillors as the Licensing Officers needed to distance themselves from making the decision as they were not only ascertaining all the information in the first instance but then also being required to make a decision.
- A Member clarified that the hearings that took place with the Licensing Officers would also have the attendance of a legal officer and that all discussions and outcomes would be properly documented.

Recommended to Council:-

(a) Delegated powers to be given to the Assistant Director of Public Protection to suspend / revoke a Private Hire or Hackney Carriage driver's licence in any of but not limited to the following areas:

- where a current driver has been found guilty of an offence and has been imprisoned
- where a current driver has been charged with an offence and has been remanded in police custody
- conviction for dishonesty, indecency, violence, major traffic offences drunkenness with a motor vehicle, drugs and/or a combination of the listed offences
- where it is found that the licensee does not have appropriate valid insurance
- failing to comply with an officers' request/obstructing officers in the course of their duties
- any other reasonable cause which includes, but is not limited to,
 - additional information disclosed on CRB check
 - information received from the chief police officer under separate cover
 - CCTV footage of incidents
 - Officers witnessing incidents, e.g. vehicles driving through red lights

- Knowingly making a false declaration / statement during the application procedure.
- (b) Delegated powers to be given to the Assistant Director of Public Protection to suspend / revoke a Private Hire or Hackney Carriage vehicle license in any of but not limited to the following areas:
- where the vehicle is mechanically unfit to be a licensed vehicle and convey members of the public (defined via Certificate of Compliance or any other reason)
 - where there is no appropriate insurance in place
 - where the vehicle is visually unfit to be a licensed vehicle (suspension for a period of time to allow the licensee to repair or fix the problems).
- (c) Delegated powers to be given to the Assistant Director of Public Protection to refuse to grant a licence for any new applicant who fails to meet any of the criteria as detailed in the legislation or Council policies, including but not limited to:
- convictions (spent or not spent)
 - relevant cautions
 - additional information/separate cover notes received on/after the CRB
 - driving license history – points etc
 - a new application from a person who has recently had their license revoked by this or another licensing authority (including the Public carriage Office)
 - Knowingly makes a false declaration / statement during the application procedure
- (f) Delegated powers to be given to the Assistant Director of Public Protection to grant a licence with specific conditions attached or attach conditions to a licence which has already been granted, for example but not limited to:
- annual CRB for three years
 - driver to attend the licensing office on a monthly basis to provide original evidence of insurance, driving license etc
 - existing driver to undertake and pass DSA driving test within three months
- (g) That power to suspend or revoke a taxi or private hire drivers licence with immediate effect – the principle power to remain with the Licensing Manager and the Chair of the Licensing Committee. In the absence of the Licensing Manager this power should be delegated to any Senior Licensing Officer or Licensing Officer in consultation with the Chair. In the absence of the Chair, this power should be delegated to the Vice-Chair and in his/her absence to any of the three nominated Chairs of the Licensing Sub-Committee.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.00 pm)

Zia Minhas raised the following concerns:

Feels that licensing officers are doing a good job, however feels that officers will have too much delegation to deal with. Also queried whether officers will have laws in front of them to be followed.

Sarfraz Khan raised the following concerns:

Would be good to take control of serious cases such as alcohol/drugs/rape however would prefer other cases e.g. vehicle problems be dealt with by Licensing Committee.

Karamat Hussain raised the following concerns:

Mr Hussain feels that licensing officers are overloaded with work themselves. Drivers tend not to let cases go to court due to court fees.

PK explained extent of what is being proposed by reviewing the way we work and could improve the way we deal with cases.

The areas the Delegated Officer will cover are proposed to be:

- Where current driver is found guilty of an offence and has been imprisoned.
- Where driver has been charged with offence and been remanded in prison.
- Where there has been a conviction with drugs/drinking offences etc.
- Where driver is driving without valid insurance

These issues are of a serious nature, general cases will go to licensing committee.

LK raised issue of drivers having to deal with nuisance members of the public.

PK advised that if a driver was assaulted by public it will be for the Police to investigate. Local authority would not interfere until the court had made a decision.

ZM raised issue regarding a private hire driver being pulled in for affray in the High Street, later the charges were dropped and still got a slap on wrist from SBC. RR advised the facts are different in this case. PK said this sort of case would be dealt with in normal way and not go up to Assistant Director.

PB feels that confidence between officers and drivers is low and need to improve.

Another case raised where a driver was using incorrectly using a disabled badge and was later banned from driving taxi for a period of time. PB asked why licensing officers told this driver he cannot drive that vehicle for 3 months. RR advised the driver cannot drive vehicle while still plated as taxi.

ZM feels it would be helpful being told of issues in writing. However in some cases there are confidentiality issues with giving information out, unless drivers agree.

Operators asked what will happen to the fee which is put through for applications. PK advised this will cover resources and officer time spent on assessing the application.

MS advised all applications will be CRB checked and will also check if driver is fit to be given license. In some cases a CRB shows when a driver has been arrested, in cases like this, officers will interview the person to discuss the circumstances.

Operators raised issue of dealing with abusive members of the public. MS advised that Thames Valley Police are looking at enhancing safety of drivers and looking at relevant guidance for drivers on how to deal with these cases.

APPENDIX D

Decision Making Process – Delegated Powers

New Application (HC and PH Driver only)

1.0 Licensing Officer

- 1.1 New application for HC or PH driver licence received.
- 1.2 Relevant convictions or cautions, disclosed on receipt of the application or as a consequence of subsequent CRB check.
- 1.3 Licensing Officers will consider the application in line with the Council's "Policy and Guidance on Convictions and Cautions to be used when determining whether or not to grant, review, suspend or revoke a HC/ PH drivers licence or PH Operators licence".
- 1.4 If the Licensing Officer considers that the convictions or cautions are such that the applicant may not be a 'Fit and Proper Person' the officer will advise the applicant accordingly and invite him to attend for formal interview, together with an advocate should he wish.
 - Alternatively, the applicant may choose to make representations in writing within 5 working days
 - Due consideration will be given to all representations and the applicant advised in writing of the Officers recommendation to the Assistant Director Public Protection
 - Using the "Licensing Officer Referral Form the Licensing Officer will prepare a report for consideration by the Assistant Director.

2.0 Assistant Director

- 2.1 On receipt of the Licensing Officer referral together with all relevant information, material and recommendation the Assistant Director will convene a meeting within 5 working days to:-
 - Consider a report from the Licensing Officer together with written or personal representations from the applicant, including through an appointed advocate
 - The overriding consideration will be the safety and protection of the public and that the applicant is or is not a 'Fit and Proper Person'.
 - The decision to grant or refuse the application will be notified to the applicant in writing within 5 working days of decision, detailing clearly and fully the justifiable reasons for the refusal; and
 - Inform the applicant of the right of appeal, as contained in the Local Government (Miscellaneous provisions) Act 1976, to the Magistrates Court by any person aggrieved by a decision of a local Authority.

Current Licence Holder (HC and PH Driver only)

3.0 Licensing Officer

- 3.1 Relevant convictions or cautions are brought to the attention of the Licensing Team or on a CRB check at renewal.
- 3.2 Licensing Officers will consider the convictions or cautions in line with the Council's "Policy and Guidance on Convictions and Cautions to be used when determining whether or not to grant, review, suspend or revoke a HC/ PH drivers licence or PH Operators licence".
- 3.3 If the Licensing Officer considers that the convictions or cautions are such that the licence holder may no longer be deemed to be a 'Fit and Proper Person' the officers will advise the licence holder accordingly and invite him to attend for formal interview, together with an advocate should he wish:
 - Alternatively, the licence holder may choose to make representations in writing within 5 working days..
 - Due consideration will be given to all representations and the licence holder advised in writing of the Officers recommendation to the Assistant Director Public Protection.
 - Using the "Licensing Officer Referral Form" the Licensing Officer will prepare a report for consideration by the Assistant Director

4.0 Assistant Director

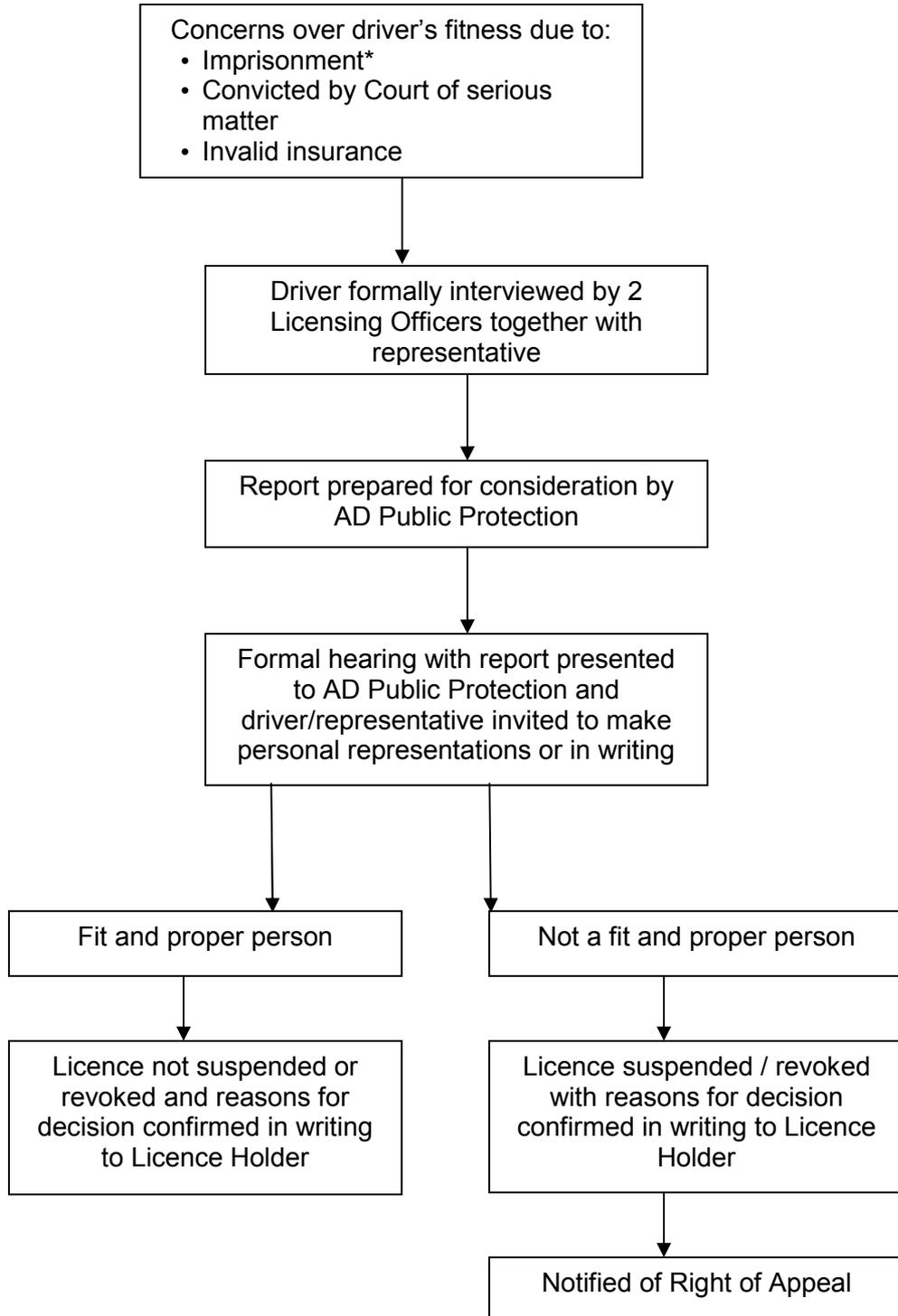
- 4.1 On receipt of the Licensing Officer referral together with all relevant information, material and recommendation from the Assistant Director will convene a meeting within 5 working days to:-
 - Consider a report from the Licensing Officer together with written or personal representations from the licence holder, including through an appointed advocate.
 - The overriding consideration will be the safety and protection of the public and that the licence holder is or is not a 'Fit and Proper Person' to continue to hold a drivers licence.
 - The decision to renew, refuse to renew, suspend or revoke the licence he will be notified to the applicant in writing within 5 working days detailing clearly and fully the justifiable reasons for the decision; and
 - Inform of the right of appeal, as contained in the Local Government (Miscellaneous provisions) Act 1976, to the Magistrates Court by any person aggrieved by a decision of a local Authority.

APPENDIX E

Flow Chart to illustrate proposed delegation to Assistant Director Public Protection in relation to Private Hire and Hackney Carriage Drivers Licences.

Flow Chart 1

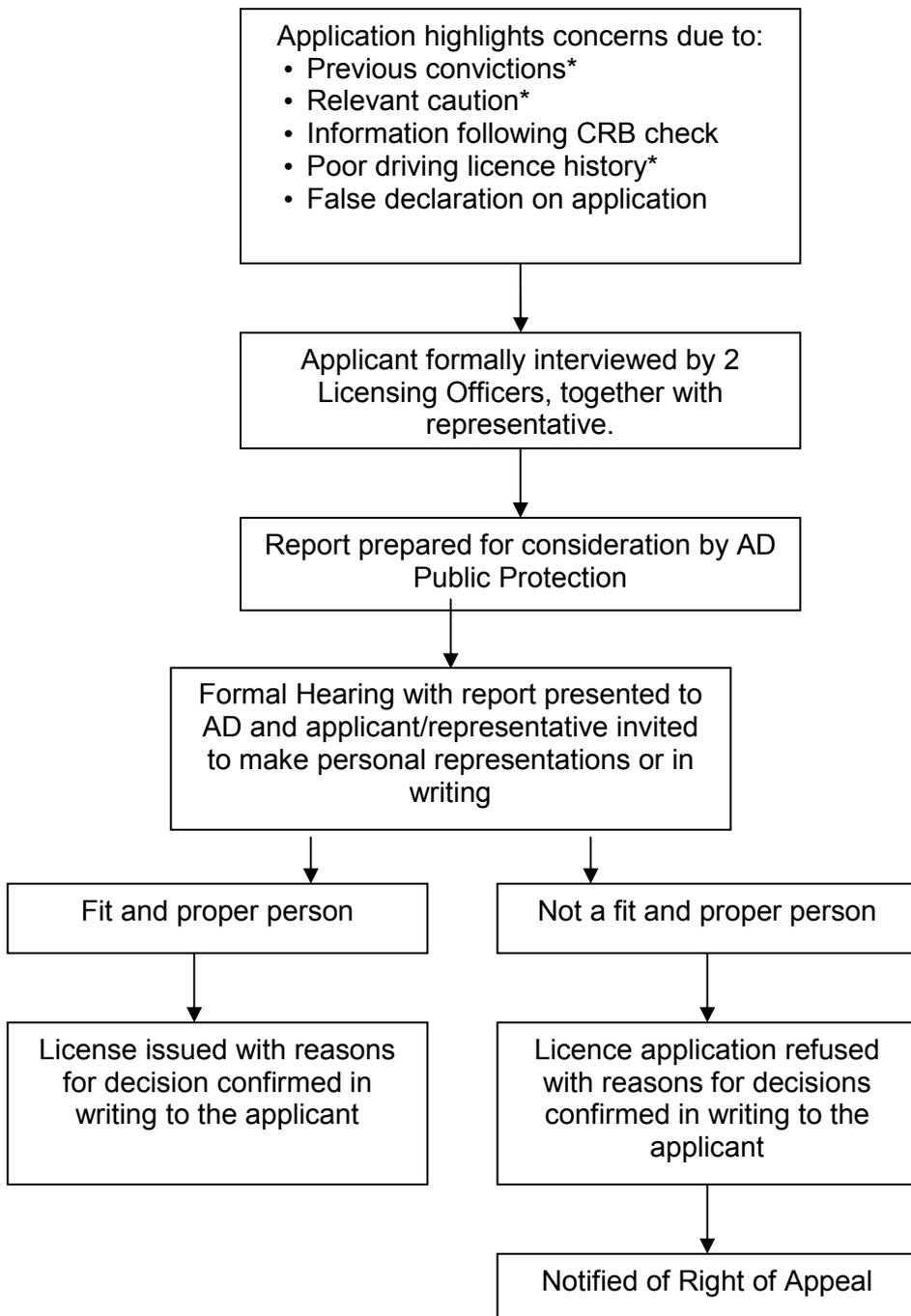
Existing Licence Holder



*automatic revocation of licence

Flow Chart 2

New Applicant



*as per current Policy and Guidelines on Convictions and Cautions.