

EAST HERTS COUNCIL

LICENSING COMMITTEE - 1 SEPTEMBER 2011

REPORT BY DIRECTOR NEIGHBOURHOOD SERVICES

DELEGATING ALL NON STATUTORY FUNCTIONS TO A TAXI LICENSING PANEL.

WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report**

- Subject to consultation with the taxi trade, and subsequent further consideration by this Committee;
  - Delegation of non-statutory taxi licensing decisions to a Licensing Panel.

<b>Subject to consultation with the taxi trade, and further consideration and approval by Licensing Committee; <u>RECOMMENDATION FOR DECISION:</u></b>	
<b>(A)</b>	<b>Approval of delegated authority for all non-statutory licensing functions to a Licensing Panel,</b>
<b>OR ALTERNATIVELY (NOT RECOMMENDED)</b>	
<b>(B)</b>	<b>Approval of delegated authority of such licensing functions to Licensing Panel as may be specified by resolution of this Committee.</b>

1.0 Background

- 1.1 On 21 July 2011 East Herts Council Licensing Committee agreed (subject to consultation with the taxi trade and further consideration of responses to consultation) to the creation of a Licensing Panel consisting of Chairman or Deputy Chairman of Licensing Committee, Executive Member for Community Safety and Environment, and Director of Neighbourhood Services.
- 1.2 Decisions on taxi licensing matters are currently taken by the Licensing Sub-Committee. This is an expense that is borne partly

by the taxi trade through taxi licensing fees and charges, and partly through Council expenditure which is effectively a subsidy to the licensed taxi trade.

- 1.3 Reducing the subsidy to the licensed trade is an aim in the medium term financial plan, and may be achieved either by charging the taxi trade more, or by reducing the Council's costs, or both.
- 1.4 Part of our response to taxi drivers is to reduce the gap between the cost of providing the service and the income derived from it. Fees and charges have increased, but drivers cannot be expected to bear the whole cost.

## 2.0 Report

- 2.1 The aim of local authority licensing is to protect the public; Department for Transport document 'Taxi and Private Hire Licensing: Best Practice Guidance' Section 3: (The Role of Licensing: Policy Justification) (paragraphs 7, 8 and 9).
- 2.2 The Guide highlights that Licensing requirements should not be unduly stringent or too restrictive while giving the public reasonable access to taxi and PHV services.
- 2.3 The Guide says, the public that use taxis should be confident that the driver does not have a criminal record for assault, and that the vehicle is safe.
- 2.4 The following matters are taken into consideration when considering applicants to be a taxi driver, or existing taxi drivers, are or remain, fit and proper persons to hold a taxi driver's licence;
  - Any history of dishonesty, including
    - Burglary
    - Theft
    - Taking and driving away
    - Handling Stolen Property
    - Fraud
    - Deception
    - Perverting the course of justice
    - Failing to give information about driver
    - Giving false information / withholding relevant information from Licensing Authority

- Any history of violence, including

- Causing GBH (including wounding)
- Causing ABH
- Common assault
- Criminal damage
- Possession of offensive weapon
- Resisting arrest/obstructing Police Officer
- Threatening behaviour
- Threats to kill
- Harassment
- Disorderly conduct
- Any history of drugs / Alcohol, including
  - Possession Cocaine (including with intent to supply)
  - Possession Cannabis (including with intent to supply)
  - Drink drive
  - Unfit through drugs in charge of vehicle
- Any history of sexual offences
  - Procuring indecent act with minor
  - Pattern of behaviour notified at discretion of chief officer of Police.
- Vehicle use (including taxi use), including
  - Driving no insurance
  - Driving while disqualified
  - Failing to stop after accident
  - Failing to report an accident
  - Speeding
  - Traffic signal offences
  - Driving without due care and attention
  - Driving taxi while unlicensed
  - Illegal plying for hire
  - Parking on pedestrian crossing
  - Parking on Bircheley Green pedestrian area

2.5 In addition to public safety, the Licensing Authority may adopt such other principles as it sees fit for the basis of its licensing policy. Licensing Committee agreed in November 2010 to base the policy on the following principles;

- Protection of Public Safety
- Protection and/or promotion of the Health, Safety, Comfort and Convenience of taxi passengers
- Access to transport
- Protection of the Environment

- Promotion of a professional taxi trade
- 2.6 Of a total of 67 taxi licensing matters eight were refused or had a licence revoked.
- 2.7 All were non-statutory licensing matters.
- 2.8 A small number of these applicants abandoned their request.
- 2.9 A summary of committee reports, noting the heads of consideration, is set out in **Essential Reference Paper ‘B’**
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper ‘A’**

Background Papers:

Summary of Licensing Sub Committee decisions.

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