

1. **REPORT TITLE**                      **Scheme of Delegation**
- Submitted by:**                      **(Democratic Services Manager)**
- Portfolio:**                              **(Policy, People and Partnerships)**
- Ward(s) affected:**                      **(Not Specific)**

**Purpose of the Report**

To request that the Committee delegate authority in relation to the refusal and revocation of private hire vehicle licences.

**Recommendations**

- (a) That the Committee delegate authority to revoke or refuse a private hire vehicle licence to the Head of Recycling, Waste and Fleet Services and the Head of Environmental Health.
- (b) That the Committee delegate authority to the Chief Executive and Head of Business Improvement, Central Services and Partnerships to refuse or revoke a private hire drivers' licence
- (c) That where a decision has been made to suspend, revoke or refuse to renew any licence under (a), officers shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within fourteen days of such suspension, revocation or refusal.
- (d) That where a decision is made under (b), officers give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him
- (e) That where an decision has been made to suspend, revoke or refuse to renew any licence a report is brought to the next possible meeting of the Public Protection Committee.

**Reasons**

To allow Council Staff who are testing vehicles at the depot to revoke or refuse a licence where the vehicle presented is in such a poor state that staff consider it is unfit for use as a private hire vehicle.

1. **Background**

At the moment the authority to revoke or refuse a licence for a private hire vehicle or driver is delegated only to the Public Protection Committee.

There have been some recent cases where staff at the Knutton Lane Depot have tested a vehicle and considered it unfit to be a private hire or a hackney carriage vehicle.

The recent cases have involved hackney carriage vehicles and as such the Chief Executive has the authority in the Council Scheme of Delegation to revoke or refuse these licences. This has however raised concerns as to what would happen should a private hire vehicle be presented in such an unfit condition.

**Section 60** of the Local Government (Miscellaneous Provisions) Act 1976 states that:

(1) a district council may suspend or revoke, or (on application therefor under section 40 of the Act of 1847 or section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:

(a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle.

The Act also states that where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within fourteen days of such suspension, revocation or refusal.

**Section 61** of the Act states

A district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:

(a) that he has since the grant of the licence:

(i) been convicted of an offence involving dishonesty, indecency or violence; or  
(ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or

(b) Any other reasonable cause.

## 2. **Issues**

At the moment only the Public Protection Committee can refuse or revoke a licence for a private hire vehicle licence or driver licence. Officers consider that it would be in the public interest for staff who are testing the vehicles at the Knutton Lane Depot to be given delegated authority to remove or revoke a private hire vehicle licence if upon testing the vehicle they deem it to be unfit to be licenced. Officers also consider that it would be in the public interest for them to be able to revoke a private hire driver licence if information is received that suggest the driver is no longer fit to be licenced and there is no suitably timed meeting of the Public Protection Committee to bring a report to. In all instances a report would be brought to the next available meeting of the Committee detailing the actions taken by officers.

## 3. **Options Considered**

(a) That the Committee delegate authority to revoke or refuse a private hire vehicle licence to the Head of Recycling, Waste and Fleet Services and the Head of Environmental Health.

(b) That the Committee delegate authority to revoke or refuse private hire drivers licences to the Chief Executive or the Head of Business Improvement, Central Services and Partnerships.

That the scheme of delegation be as follows:

(3)	Power to approve applications for private hire vehicles, drivers' licences and operators' licences	Chief Executive; Public Protection Committee or Head of Business Improvement, Central Services and Partnerships.
	Power to refuse or revoke a private hire drivers' licence	Chief Executive; Public Protection Committee or Head of Business Improvement, Central Services and Partnerships
	Power to refuse or revoke private hire vehicle licences	Public Protection Committee; Head of Recycling, Waste and Fleet Services or Head of Environmental Health.
	Power to suspend licences	Chief Executive or Head of Business Improvement, Central Services and Partnerships,

4. **Reasons for Preferred Solution**

Public Safety - there are concerns regarding any time delay that could arise regarding refusing or revoking a private hire vehicle or driver licence where the vehicle or person is deemed unfit to be licenced.

5. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- *creating a cleaner, safer and sustainable Borough*
- *transforming our Council to achieve excellence*

6. **Legal and Statutory Implications**

Section 60 of The Local Government (Miscellaneous Provisions) Act 1976 states

**Suspension and revocation of vehicle licences**

(2) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke, or (on application therefor under section 40 of the Act of 1847 or section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:

- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle ;
- (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver ; or
- (c) any other reasonable cause.

(3) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within fourteen days of such suspension, revocation or refusal.

(3)Any proprietor aggrieved by a decision of a district council under this section may appeal to a magistrates' court.

**Section 61 of The Local Government (Miscellaneous Provisions) Act 1976 states:**

Suspension and revocation of drivers' licences.

(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—

(a) that he has since the grant of the licence—

(i) been convicted of an offence involving dishonesty, indecency or violence; or

(ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or

(c) Any other reasonable cause.

(2) (a) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him in accordance with section 54 of this Act.

**Section 52 of the Road Traffic Act 2006 states:**

(2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.”

7. **Financial and Resource Implications**

None identified.

8. **Major Risks**

If a vehicle is tested and deemed unfit to be licenced as a private hire vehicle the licence should be refused or revoked with immediate effect.

9. **Key Decision Information**

This is not a key decision.

10. **List of Appendices**

Delegations