

**DRAFT ITEM FOR PUBLIC PROTECTION COMMITTEE**  
**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**1. STANDARD PROCEDURE FOR DETERMINING HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES**

**Submitted by:**                      **Principal Solicitor**

**Portfolio:**                              **Environment and Recycling**

**Ward(s) affected:**                      **All Wards**

**Purpose of the Report**

To request the Committee to adopt the formal procedure set out in Appendix A for the determining of Hackney Carriage and Private Hire Licences.

**Recommendations**

That the formal procedure for determining Hackney Carriages and Private Hire Licences be adopted.

**Reasons**

In order to reduce the risk of procedural challenge of Committee decisions.

**1. Background**

As Members are aware, the Committee is invested with full delegated powers to deal with:

(1) Applications for taxi vehicle and drivers' licences, their revocation and supervision, where there are objections to the application or the suitability of the applicant is in doubt. The Committee may:

- grant vehicle and drivers' licences
- refuse vehicle and drivers' licences
- attach conditions to the grant of vehicle and drivers' licences
- revoke or suspend vehicle or drivers' licences

(2) Applications for private hire vehicle, drivers' and operators' licences, their revocation and suspension, where there are objections to the application or the suitability of the applicant is in doubt.

The Committee may:

- grant vehicle, drivers' and operators' licences
- refuse vehicle, drivers' and operators' licences
- attach conditions to the grant of vehicle, drivers' and operators' licences
- revoke or suspend vehicle, drivers' and operators' licences

To enable an applicant to be given a fair hearing it is necessary for him to know what the rules are by which his application will be considered.

Whilst the Committee have been following a standard procedure in relation to all of its decisions in the above connection it is good practice to publicise this procedure.

2. **Issues**

Publicising the Committee's standard procedure has the advantage of allowing the applicant and the applicant's representative to be given it in advance so they know what to expect. There is also certainty for officers and members of the authority as they will always be following the same procedure.

The adoption of a formal procedure could well reduce/eliminate the risk of procedural challenge.

3. **Recommendation**

It is recommended that the formal procedure be adopted for the reasons given in the report.

4. **Links to Corporate Priorities**

In line with the Council's objectives:

- (a) Providing a cleaner, safer and sustainable Borough
- (b) Promoting a Borough of Opportunity

5. **Legal and Statutory Implications**

It is for the Council to decide upon the procedure to be adopted. Any implications are set out in the report.

6. **Equality Impact Assessment**

There are no differential equality impacts identified within this report.

7. **Financial and Resource Implications**

There are none.

8. **Human Rights**

Article 6(1) guarantees a fair hearing. Article 14 guarantees no discrimination.

9. **Major Risks**

None.

10. **Key Decision Information**

This is not a key decision.