



## **Licensing and Safety Committee – 7 June 2023**

### **Establishment of Taxi Licensing Sub-Committees**

#### **1. Summary of report**

It is requested that Committee establish two taxi Licensing Sub Committees named Taxi Licensing Sub Committee 'A' and Taxi Licensing Sub Committee 'B' and appoint members to each Committee.

#### **2. Recommendations**

2.1 That Taxi Licensing Sub Committee 'A' and Taxi Licensing Sub Committee 'B' be established to deal with taxi licensing applications under the Local Government (Miscellaneous Provisions) Act, 1976 for the 2023/24 municipal year.

2.2 That 7 members of the Licensing and Safety Committee be appointed to each of the sub committees noting that in previous years the sub committees have followed political balance which for this year would be:

- 4 Conservative
- 3 Labour

And that members consider whether to offer a seat, allocated to Labour, to the independent member on one of the sub committees.

2.3 To note that that Taxi Licensing Sub Committee 'A' shall convene at 10 a.m. and that Taxi Licensing Sub Committee 'B' shall convene at 6 p.m.

#### **3. Background information**

3.1 Taxi sub-committees were first established in June 2006 to deal with the backlog of taxi/private hire applications under the Local Government (Miscellaneous Provisions) Act, 1976.

3.3 In April 2019, the Licensing Committee resolved to authorise officers to exercise delegations to ensure that each sub-committee focus on complex cases or matters where the Committees judgement is required. Officer delegations are to to:-

- Determine applications for Private Hire and Hackney Carriage Driver Licences and Private Hire and Hackney Carriage Driver Licences where to issue a licence would be in accordance with the Council's Policy;
- Determine discrete plate applications on new vehicles (when an existing approval is already in place for a previous vehicle and there has not been a material change) subject to the vehicle meeting all necessary requirements;
- Determine enforcement matters whereby a driver has accumulated 9 points on their licence and there are no other matters, or only minor issues of concern.

#### **4. Resource considerations**

- 4.1 **Financial:** The costs of any appeals to the Magistrates Court by any person aggrieved by the refusal of Walsall Council to grant a private hire/hackney carriage licence, or any conditions attached to the grant of a drivers licence will be met from within existing budgets.

The costs of any appeals to the Magistrates Court by the suspension or revocation of a private hire/hackney carriage licence will be met from within existing budgets.

- 4.2 **Legal:** Section 51(1) of the Local Government (Miscellaneous Provisions) Act, 1976 states that a District Council shall, on receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:-

Provided that a District Council shall not grant a licence;

- (a) Unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or
- (b) To any person who has not, for at least twelve months, been authorised to drive a motor car or is not, at the date of the application for a driver's licence, so authorised.

- 4.3 There is no legal definition of a "fit and proper person", the ordinary meaning must, therefore, be attached to these words. The Licensing Authority may make such enquiries as they deem necessary to establish whether an applicant is a "fit and proper person". The application for a private hire/hackney carriage licence requires the applicant to disclose any convictions and a routine check is made with the Disclosure and Barring Service for confirmation of any convictions or pending convictions. Information relating to motoring convictions is obtained from the applicant's driving licence or by application to the DVLA for a mandate.

- 4.4 Members should consider each case on its own merits, including:-

- (i) the nature of the offence;
- (ii) how long ago the offence was committed;

- (iii) age of the person when convicted;
  - (iv) any other relevant facts considered appropriate;
  - (v) was the offence an isolated incident;
  - (vi) any change in the person's circumstances from when the offence was committed.
- 4.5 The fact that an applicant has convictions does not necessarily mean that they are unfit to hold a driver's licence. A balanced judgement should be made about a person's suitability to hold a licence looked at as a whole in the light of all information available.
- 4.6 There is case law to support a Licensing Authority's decision to ensure, as far as possible, that those licensed to drive a private hire or hackney carriage vehicle are suitable persons to do so.
- 4.7 A District Council may attach to the grant of a licence such conditions as they may consider reasonably necessary.
- 4.8 Section 52 of the 1976 Act states that any person aggrieved by:-
- (i) the refusal of the District Council to grant a licence under Section 51 of the Act; or
  - (ii) any conditions attached to the grant of a driver's licence may be appealed to a Magistrates Court.
- 4.9 Any appeal must be made to the Magistrates Court within 21 days of notification of such a decision.
- 4.10 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, therefore, 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
    - (b) 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 drivers badge issued to him in accordance with Section 54 of this Act;

(b) If any person, without reasonable excuse, contravenes the provisions of this section, he shall be guilty of an offence and liable on summary conviction, to a fine not exceeding level 1 (on the standard scale);

(3) Any driver aggrieved by a decision of a District Council under this section may appeal to a Magistrates Court.

4.11 **Staffing:** Taxi sub-committees will be supported by officers from Democratic Services, Regulatory Services and legal services.

5. **Citizen impact:** Nothing arising from this report.

6. **Community safety:** Nothing arising from this report.

7. **Environmental impact:** None.

8. **Performance and risk management issues:** Nothing arising from this report.

9. **Equality implications:** None.

10. **Consultation:** None.

## **Background papers**

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