

**AMENDMENTS TO THE CONSTITUTION OF THE COUNCIL – LICENSING
DRIVERS’ PANEL FUNCTIONAL RESPONSIBILITIES**

Portfolio Area: Environment
Report Presented by: Mrs Rachel Crouch

Background Papers: None
Corporate Implications: Please refer to table at end of report
Options:

1. To accept the amendments to the Constitution and make a recommendation to Full Council
2. To not accept the amendments to the Constitution.
3. To accept the amendments to the Constitution and to make a recommendation to Full Council with further amendments.

Risks: The Council must have in place the correct and appropriate delegation arrangements to Officers to discharge the Council’s duties under the Local Government (Miscellaneous Provisions) Act 1976 and other statutory provisions in relation to Private Hire and Hackney Carriage Drivers’ Licences.

Executive Summary

To consider amendments to the Scheme of Delegation set out in the Council’s Constitution in respect of Private Hire and Hackney Carriage Drivers’ Licences.

Decision

Members are requested to Recommend to Full Council the approval of the amendments to the Constitution as set out in paragraph 1.4 of this report.

1. **Background**
 - 1.1 Members of the Drivers’ Panel have increasingly been dealing with applications for Hackney Carriage and Private Hire Drivers’ Licences where applicants have 6 or more penalty points on their DVLA driving licence.
 - 1.2 The Constitution currently requires the Drivers’ Panel to determine new applications for a driver’s licence where the driver has 6 or more penalty points on their DVLA driving licence, and/or an unspent disqualification, and/or a criminal record.
 - 1.3 All Private Hire and Hackney Carriage drivers’ licences are issued for a 12 month period. This is resulting in those applicants who may have appeared before the Drivers’ Panel previously having to appear before the Panel again when there

has no change to their circumstances since the grant of their last driver's licence. For example, having not incurred additional penalty points on their DVLA driver's licence, received a conviction, caution, complaint, or received penalty points under the Council's Administrative Penalty Points scheme. This is not the best use of Members' and Officers' time.

- 1.4 Members are requested to Recommend to full Council that the Scheme of Delegation be amended to authorise the Licensing Manager, in consultation with the Chairman of the Licensing Committee, to approve applications for new Hackney Carriage and Private Hire Vehicles drivers licences and dual drivers licences where the applicant has 6 points on their DVLA Driver's Licence, the applicant has been licensed by the Council in the last 12 months and there is no change to the applicant's circumstances since the last application was considered by the Drivers' Panel, namely:

No suspension, or revocation of the Hackney Carriage and/or Private Hire Vehicle driver's licence;
 No further convictions revealed by CRB check;
 No further endorsements on the Applicant's DVLA Licence;
 No Complaints or Breach of condition;
 No Administrative Penalty Points

- 1.5 If approved, the changes suggested should reduce the number of Drivers' Panel meetings taking place and reduce the amount of time spent by Members and Officers in dealing with applications.

Corporate Implications			
Financial:	Not Applicable		
Legal:	There is a right of appeal to the Magistrates Court against a decision of the Drivers' Panel and part of that appeal may include a challenge to the Council's authority to deal with such matters. Whilst there may be sufficient evidence for the Court to be satisfied that the decision of the Drivers' Panel was correct, the Court would first have to deal with issue of whether the Council had authority to make that decision in the first instance. To rebut such a challenge, this would require production of the Council's Constitution and should it be found that there is no such authority, an appeal may succeed on a technical ground.		
Equalities & Diversity:	Not Applicable		
Customer Impact:	Not Applicable		
Environment & Climate Change:	Not Applicable		
Consultation/Community Engagement:	Local Committees - Not Applicable		Partners- Not Applicable
	Public- Not Applicable		Staff- Not Applicable
Key Decision:	No		
Public/Private Report:	Public		
Officer Contact:	Mrs Rachel Crouch		
Designation:	Licensing Officer		
Ext No:	2647		
Email:	raccr@braintree.gov.uk		