



LICENSING COMMITTEE

Monday, 15 January 2024

Subject	Minor Review of the Council's Hackney Carriage and Private Hire Licensing Policy
Cabinet Member	Councillor Jan Candy Cabinet Member with responsibility for Community Health
Report Author(s)	Martin Clarke Licensing Manager and Housing Lead Lawyer martin.clarke@eastsoffolk.gov.uk
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Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

To report to the Licensing Committee a proposal to amend the Hackney Carriage and Private Hire Licensing Policy with regard to a re-application by someone who has recently failed the application process.

Options:

1. To approve the proposed amendment to the Policy with regard to a re-application by someone who has recently failed the application process.
2. To not approve the proposed amendment to the Policy with regard to a re-application by someone who has recently failed the application process.

Recommendation/s:

That the proposed amendment to the Policy with regard to a re-application by someone who has recently failed the application process be approved.

Corporate Impact Assessment

Governance:

Licensing is a Council function exercised by Licensing Committee and Licensing Sub-Committees.

ESC policies and strategies that directly apply to the proposal:

Hackney carriage and private hire licensing policy.

Environmental:

No impact

Equalities and Diversity:

No impact

Financial:

No impact

Human Resources:

No impact

ICT:

No impact

Legal:

No impact

Risk:

No impact

External Consultees:

The recommended change to the policy is minor and would not require consultation.

Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected?			

Licensing plays an important role in the themes in the Council’s Strategic Plan of growing our economy and enabling our communities. Hackney carriage and private hire vehicles are a key part of the public transport system, enabling people without their own private transport or without easy access to other means of public transport to travel for education, employment, and entertainment, to shop and to attend medical appointments or deliver/receive care.

Background and Justification for Recommendation

1 Background facts	
1.1	The Council is responsible for licensing hackney carriage and private hire drivers and vehicles, and private hire operators. In undertaking those responsibilities, the Council has regard to the legislation in place including case law, relevant guidance, best practice documentation and its own policies and procedures.
1.2	The Licensing Team has received an enquiry from an applicant who had very recently appeared before a Licensing Sub-committee which made the decision that their application should not progress. The applicant made contact after the appeal period to see if there was any way they could still appeal. This is not possible.
1.3	The applicant said that they would re-apply for a driver licence and when their application went before a Licensing Sub-committee again, which is highly likely to be refused again for the same reasons, they would then ensure they appealed in time.
1.4	The Licensing Team is of the opinion this should not be permitted in such a short space of time and would be an abuse of process.
1.5	The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. In setting out its policy, the Council seeks to promote the protection and safety of the public, safeguarding children and the vulnerable.

2 Current position	
2.1	There is currently nothing within the Hackney Carriage and Private Hire Licensing Policy to prevent an applicant from re-applying immediately after their application has been refused. The current policy is attached as Appendix A .
2.2	The Council’s Licensing Team has limited resources and a re-application within a short period of time is an unnecessary use of these resources. In addition, as

	Officers would not have power to refuse the application without a change in policy, therefore a second sub-committee hearing would be required which would be an unnecessary use of member time.
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3 How to address current situation

3.1	The current Hackney Carriage and Private Hire Licensing Policy does not include any guidance or statement about an application being permitted to re-apply immediately after an application has been refused.
3.2	The Licensing Committee is asked to consider including text as follows: Re-application Applicants are advised that where an application has been refused or a licence revoked, the Licensing Authority will not entertain a further application within 12 months of the date of the previous refusal or revocation unless there are substantial material changes in the applicant's circumstances which can be supported by evidence.

4 Reason/s for recommendation

4.1	The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. In setting out its policy, the Council seeks to promote the protection and safety of the public, safeguarding children and the vulnerable.
4.2	The recommendation protects the public and Council resources whilst also allowing an applicant who has had a substantial material change of circumstances an opportunity to re-apply.

Appendices

Appendices:

Appendix A	Hackney Carriage and Private Hire Licensing Policy
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Background reference papers:

Date	Type	Available From
None		