

## Record of operational decision

<b>Decision title:</b>	Amendment made to the 'Hackney Carriage And Private Hire Licensing Policy 2019 - 2024 (Amended 18.12.19)'
<b>Date of decision:</b>	17 <sup>th</sup> April 2023
<b>Decision maker:</b>	Head of Public Protection
<b>Authority for delegated decision:</b>	<p>The policy itself as approved by Full Council on 12<sup>th</sup> July 2019.</p> <p>The policy states '<i>Minor changes will be made by officers. More significant changes may need to be referred to the Assistant Director for a formal decision or whatever other process is appropriate given the Council's constitution at that time</i>'.</p> <p>The role of Head of Public Protection is considered the appropriate level within Council to make this decision, given that this is minor change.</p>
<b>Ward:</b>	All wards
<b>Consultation:</b>	The issue was highlighted during the consultation on the new policy (not yet adopted) which was widely circulated to members as well as the trade.
<b>Decision made:</b>	<p>To amend the following pages/paragraph by removing the text struck through:</p> <p>Page 10 – Para 7.9 All applications received within five working days after the expiry date will be considered as being outside of conditions and will be referred to Officer Panel for determination. <del>A fee will be charged for referral to the officer panel and must be submitted at least 5 working days before the date of the panel.</del> Applications received 5 working days after expiry will be issued with a licence until the next available Officer Panel, <del>unless the fee is not paid.</del></p> <p>Page 31  <b>All applications received which fall outside the Licensing Authority's Conditions or Policy will be referred to Officer Panel for determination.- and may incur additional costs to be paid by the applicant. Money will only be refunded in exceptional circumstances if the Chair instruct a refund.-</b>  <del>Once a valid application has been accepted no refunds will be considered unless authorised by the Chair</del></p> <p>Page 35 – Para 10.2 The driver shall immediately, disclose to the Licensing Authority in writing, details of any conviction/caution/warning (motoring or criminal) involving them during the period of the licence. The only exception shall be where a driver has had their DVLA Licence endorsed, on no more than one occasion, during the period of their current Dual Drivers Licence, with 3 or less penalty points. Failure to disclose could result in immediate suspension of the dual driver licence and/or referral to Officer Panel for determination. <del>, the cost of referral will be paid by the licence holder, unless this fee is waived by the Chair of the Panel.</del> For the purpose of clarity <b>ALL</b> motoring or criminal convictions, received within the period of the preceding licence, <b>MUST</b> be disclosed in writing, on the application form, at the time of renewal</p>

	<p>Page 35 – Para 10.3 The driver shall immediately, disclose to the Licensing Authority in writing, details of any involvement in incident/s which may lead to caution/conviction/warning (unless the offence is a motoring offence which has resulted in a fixed penalty notice being issued). Failure to do this could result in immediate suspension of the dual driver licence and/or referral to Officer Panel for determination. <del>and the cost will be paid by the licence holder, unless this fee is waived by the Chair of the Panel.</del></p> <p>Page 35 - 10.4 The driver or person nominated by them shall notify the Licensing Authority in writing, as soon as possible and in any event within 7 days of any serious illness or injury affecting their fitness to drive in any way. Failure to do this could result in immediate suspension of the dual driver licence and/or referral to Officer Panel for determination. <del>and the cost will be paid by the applicant, unless this fee is waived by the Chair of the Panel.</del></p> <p>Page 56  <b>All applications received which fall outside the Licensing Authority’s Conditions or Policy will be referred to Officer Panel for determination. <del>and will incur additional costs to be paid by the applicant.</del></b></p> <p>Page 62  <b>All applications received which fall outside the Licensing Authority’s Conditions or Policy (including late renewal applications) will be referred to Officer Panel for determination. <del>and this will incur additional costs to be paid by the applicant.</del></b>  Note: although the fee must be paid before the Panel hearing, the Chair of the Panel has the ability to waiver the fee if appropriate, requests for refunds must be made at the time of the hearing.</p> <p>Page 67 – Para 11.7 Applications received within five working days after the expiry date will be referred to Officer Panel for determination. <del>A fee will be charged for referral to the officer panel and must be submitted before at least 5 working days before the date of the panel.</del> Applications received within 5 working days of expiry will be issued with a licence until the next available Officer Panel. <del>, unless the fee is not paid.</del></p>
<b>Reasons for decision:</b>	The references in the current policy relating to fees for the Officer Panel are out of date.
<b>Highlight any associated risks/finance/legal considerations:</b>	There is little risk associated with this decision as in practice the Licensing Service is already do it.
<b>Equality Considerations</b>	This decision does not discriminate, harass or victimize nor encourage conduct prohibited under the Equality Act 2010. It also does not unfairly impact upon anyone with a relevant protected characteristic nor hinder relations between persons sharing such a characteristic.
<b>Details of any alternative options considered and rejected:</b>	The alternative option is to leave the old text in until a new policy is adopted, but in the interim this is misleading to the reader and may result in challenge.
<b>Details of any declarations of interest made:</b>	Nil