

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Committee

11 October 2012

AUTHOR/S: Executive Director

ESTABLISHMENT OF A LICENSING REVIEW PANEL

Purpose

1. This report proposes the establishment of a Licensing Review Panel to determine Private Hire Driver Licences following a referral by the Council's Licensing Officer or an authorised officer.

Recommendation

2. It is recommended that:
 - (a) A Licensing Review Panel be established to determine Private Hire Driver Licences following a referral by the Council's Licensing Officer or an authorised officer;
 - (b) The Panel comprise not more than 5 councillors from the Licensing Committee, who have undertaken the appropriate training;
 - (c) The Chairman of the Licensing Committee be authorised to make appointments to the Panel when it is required to meet;
 - (d) The Chief Executive be authorised to make the necessary amendments to Table One of Part Three of the Constitution
 - (e) The Licensing Review Panel procedure, attached as **Appendix A** to be agreed.

Background

3. Enforcement Officers from Cambridge City Council in conjunction with Police Officers have been and are continuing to undertake operations to detect and apprehend private hire drivers who might be committing an offence.
4. The action undertaken has resulted in a range of convictions by the Magistrates Courts that has subsequently required South Cambridgeshire District Council to consider whether the drivers are fit and proper to continue to hold a licence to drive private hire vehicles.
5. Under normal circumstances and working within the Council's approved Policy, the Licensing Officer would normally make a decision under delegated authority, which may be appealed under an already approved procedure.
6. In certain circumstances however, the Licensing Officer may feel it more appropriate to refer a matter to a committee for decision, in a not dissimilar process to that available through the Licensing Act 2003.
7. Following such a request, the Licensing Committee, or if agreed at this meeting, the Licensing Review Panel, is required to determine if the driver continues to be considered as 'fit and proper' to hold a licence. It is felt appropriate to conduct such a hearing in front of a small panel rather than the whole Licensing Committee.

Implications

8. Financial	There is the requirement to hold additional meetings following convictions, however, these can be met within existing resources
Legal	A failure to establish a Review Panel and clarify procedures will put the Council at greater risk of being challenged on the grounds that the decision-making body has not been properly constituted
Staffing	None specific
Risk Management	The risk of challenge identified in the above `Legal' section is low, however, it can be eliminated altogether through the agreement of establishing a Licensing Review Panel and its procedure
Equality and Diversity	None specific arising from this report
Equality Impact Assessment completed	No Not applicable
Climate Change	None specific arising from this report.

Consultations

9. The issues arising have been discussed with the Council's Legal and Democratic Services Manager and Licensing Officer.

Effect on Strategic Aims

10. The establishment of a Licensing Review Panel and its procedure will improve the understanding of the process by Members, officers and licence holders.

Background Papers: the following background papers were used in the preparation of this report: None

Contact Officer: Maggie Jennings – Democratic Services Officer
Telephone: (01954) 713029