

**ADOPTION OF ALTERNATIVE ARRANGEMENTS
FOR TAXI LICENSING MATTERS**

Report of the Assistant Director - Legal & Democratic Governance

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 The Committee is recommended to consider whether it would wish to adopt alternative arrangements for the discharge of functions related to the granting of licences for taxi and private hire car matters.
- 1.2 At present, the Licensing, Environment & Safety Committee sitting as a ten-member committee is responsible for the determination of such matters, and the Committee is requested to consider whether it would wish to establish a sub-committee to make such decisions in the future.

2. BACKGROUND

- 2.1 Under the Scheme of Delegation in the Council's Constitution, the Committee is presently authorised to exercise the power to licence (i) hackney carriages and private hire vehicles; (ii) drivers of hackney carriage and private hire vehicles; and (iii) operators of hackney carriage and private hire vehicles under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 2.2 However, in 2021, the Department for Transport (DfT) published statutory guidance in relation to [taxi and private hire vehicle standards](#) which states that:-
- “It is recommended that councils operate with a regulatory committee or board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger regulatory committee or board. This model is similar to that frequently adopted in relation to other licensing matters.”*
- 2.3 It is noted that the above guidance recommends the establishment of a sub-committee to consider individual licensing cases rather than consideration by a meeting of the full committee in a similar way to which applications made under the Licensing Act 2003 are currently considered by a sub-committee.
- 2.4 The guidance further notes that while some decisions may be delegated to officers, it is not recommended that all such matters be delegated to officers and that caution should be exercised in any such approach. This is because member involvement in decision-making ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees.
- 2.5 It is noted that under the operation of such revised arrangements, it is likely that meetings of the Full Committee would not be required to be convened with the current regularity as its role would largely be restricted to policy matters.

2.6 The guidance does acknowledge that it remains appropriate for any authority to continue to agree that the full Committee should determine individual licensing applications if it wished to do so, as this model continues to comply with the general principles outlined in the guidance, namely:-

(1) Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.

(2) Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

3. CONCLUSIONS AND RECOMMENDATIONS

- 3.1 The Committee is recommended to consider whether it would wish to adopt alternative arrangements for the discharge of its functions to licence (i) hackney carriages and private hire vehicles; (ii) drivers of hackney carriage and private hire vehicles; and (iii) operators of hackney carriage and private hire vehicles under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 3.2 Should the Committee be minded to adopt alternative arrangements, request that the Director of Place Management and Assistant Director – Legal & Democratic Governance submit a report to the next meeting of the Committee detailing a proposed scheme of delegation for the Committee's consideration.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Damian Eaton on 0161 474 3207 or by email on damian.eaton@stockport.gov.uk