

TELFORD & WREKIN COUNCIL

LICENSING COMMITTEE – WEDNESDAY 7 SEPTEMBER 2011

LICENSING SUB-COMMITTEES

REPORT OF HEAD OF GOVERNANCE

1. PURPOSE

- 1.1 For Members to review the working of the Licensing Committee with regards to the hackney carriage and private hire related applications, renewals and reviews.

2. RECOMMENDATIONS

- 2.1 For hackney carriage and private hire related applications, renewals and reviews to be delegated to a Licensing Sub-Committee.
- 2.2 That all Members of the Licensing Committee are appointed for selection to the Sub-Committee.
- 2.3 That the Members approve the terms of reference for the Licensing Sub-Committee as appended in Appendix A.
- 2.4 That the Members of the Licensing Committee resolve to waive the political balance requirements in respect of the Licensing Sub-Committee.

3. SUMMARY

- 3.1.1 In light of human rights and other considerations it is suggested that sub-committees are formed to deal with applications, renewals and reviews of hackney carriage and private hire licences.

4. PREVIOUS MINUTES

- 4.1 There are no previous minutes.

5. INFORMATION

5.1 Background

- 5.1.1 The average time taken from the date of application to determination is

between 3-8 months. This gives rise to human rights considerations in relation to Protocol 1 Article 1 the right to property ie the licence and Article 6 the right to a fair hearing ie a hearing within a reasonable period of time.

- 5.1.2 Considerable difficulties have been encountered with arranging such meetings for the full Committee together with officers at short notice and at a suitable venue and this has led to hearing delays. A panel of 10 Members in itself gives rise to Article 6 human rights concerns regarding a right to a fair hearing.
- 5.1.3 A Licensing Sub-Committee of 5 Members (drawn from the panel of 10 Members of the Licensing Committee) with a quorum of 3 would reduce the time spent in Committee (whilst not adversely impacting and probably increasing the right of an individual to a fair hearing) for each matter thus enabling the Committee to deal with more matters and reducing the time between application, renewal or review and determination. It would also increase the quality of this service by reducing waiting times for those attending hearings.
- 5.1.4 To further reduce the time between application, renewal or review and determination the Licensing Sub-Committee could be chaired by the Chairman or the Vice-Chairman of Licensing Committee or in their absence a chair elected on the day of the hearing.
- 5.1.5 Furthermore, difficulties have been encountered with vulnerable witnesses giving evidence to a large forum. A smaller tribunal would provide a more appropriate environment and would be in keeping with the Licensing Sub-Committees which are used for Licensing Act and Gambling Act matters.
- 5.1.6 It would be possible to organise a Member Sub-Committee more expediently than a full Committee because of member availability. It is further suggested that the political balance requirements in respect of such sub-committees are dispensed with; the Sub-Committee would be operating in a quasi-judicial capacity and as such political considerations should be put aside, dispensing with political balance requirements will enable such sub-committees to be arranged more easily.

5.2 Equality and Diversity

- 5.2.1 This report adheres to the Council's Equality and Diversity Scheme and does not discriminate on the grounds of race, gender, disability, age, religion or belief or sexual orientation.

5.3 Environmental Impact

- 5.3.1 There is no environmental impact arising from this report.

5.4 Legal Comment

- 5.4.1 The Town and Police Clauses Act 1847 deals with the applications for the licensing of hackney carriages, proprietors and drivers and the suspension or revocation of those licences.

5.4.2 The Local Government (Miscellaneous Provisions) Act 1976 deals with the applications for the licensing of private hire vehicles, drivers and operators and the suspension and revocation of those licences.

5.4.3 The Local Government Act 1972 enables Committees to delegate to sub-committees.

5.4.4 The Human Rights Act 1988 deals with the right to property and the right to have a fair hearing. As delay could prejudice a fair hearing it is important that hearings are listed within a reasonable period of time. Excessive delays lead to complaints against the Council and the possibility of legal action.

5.5 Links with Corporate Priorities

5.5.1 This report has links to community protection and cohesion.

5.6 Opportunities and Risks

5.6.1 The risks have been identified and addressed. Measures have been put in place to maximise opportunities.

5.7 Financial Implications

5.7.1 There are no additional financial implications of the proposal. All costs of running and servicing the sub-committee meetings will be met from within existing budgets. JAC 240811

6. WARD IMPLICATIONS

6.1 This report has implications for all wards in the Borough.

7. BACKGROUND PAPERS

7.1.1 Town and Police Clauses Act 1847

7.1.2 Local Government (Miscellaneous Provisions) Act 1976

7.1.3 Local Government Act 1972

7.1.4 Human Rights Act 1998

End of Report

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Appendix A

Terms of Reference for the Licensing Sub-Committee

The Local Government Act 1972 enables Committees to delegate to Sub-Committees

Terms of Reference

- a. To determine applications, renewals and reviews for hackney carriages and private hire vehicles.
- b. To determine applications, renewals and reviews for drivers of hackney carriages and private hire vehicles.
- c. To determine applications, renewals and reviews for operators of hackney carriages and private hire vehicles.

1. Composition of Licensing Sub-Committee

The sub-committee will comprise of 5 members one of whom shall Chair the sub-committee.

2. Quorum

The quorum of a meeting of the sub-committee shall be 3 members.

3. Frequency of Meetings

The Licensing Sub-Committee shall meet as and when required to do so.