

**TO THE CHAIR AND MEMBERS OF THE  
LICENSING COMMITTEE**

**Hackney Carriage and Private Hire Licensing Policy – Amendment to  
Section 3 – Character Referees**

<b>Relevant Cabinet Member(s)</b>	<b>Wards Affected</b>	<b>Key Decision</b>
Cllr C McGuinness	All	N/A

**EXECUTIVE SUMMARY**

1. The Doncaster Council Hackney Carriage and Private Hire Licensing Policy (HC & PH Licensing Policy) currently requires all new applicants for a PH or HC driver licence to supply 2 character referees who have known the applicant for at least 2 years and who are not relatives or connected to the taxi trade.
2. Whilst there are no proposed changes to the suitability test for licensed drivers, this report seeks to amend the Policy to the effect that character referees must not be existing elected members of Doncaster Council.

**RECOMMENDATIONS**

3. It is recommended that:

Section 3 of the HC & PH Licensing Policy, in so far as it relates to the matters to be included with a new driver application, be amended as follows and that the amendment be effective immediately:

Existing:

10. 2 character references from persons who have known the applicant for at least 2 years and who are not relatives or connected to the hackney carriage and/or private hire trade (new applications only).

Replace the above with:

- 10.2 character referees. Each referee must have known the applicant for at least two years, must not be related to the applicant, must not be connected to the taxi/private hire trade and must not be an elected member of Doncaster Council. (New applications only)

## **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER**

4. By implementing the recommendation of this report, the licensing of private hire and hackney carriage drivers will be less susceptible to suggestion that it could be affected by political influence. This recommendation will be an additional safeguard towards ensuring that all applications are considered on their own merit and that decisions are made in line with the Council's Policy.

## **BACKGROUND**

5. The HC & PH Licensing Policy (the Policy) was adopted by Council on 19<sup>th</sup> January 2012. It is within the remit of the Licensing Committee to determine policies that are relevant to the Council's functions under Part 3 of the Constitution which relate to those licensing and registration functions unless the policy must be determined by Full Council. The Policy was last revised by the Licensing Committee on the 18<sup>th</sup> September 2014.
6. A recent review of the Council's taxi driver licensing processes following the Independent Inquiry into Child Sexual Exploitation in Rotherham has identified that other Councils have ceased accepting references from elected members and, as a result, a request was made to review our own policy with regard to character references.
7. It is Doncaster Council's policy that all new applicants for taxi driver licences are required to supply the details of 2 character referees in support of their application. The current Policy does not preclude a reference from an elected member.
8. Doncaster Council has delegated all taxi licensing decisions to officer level. Whilst character references are an essential part of every new application they are only one of the checks and safeguards that are in place.
9. Elected members of the Council are seldom nominated as character referees in support of a new taxi driver licence application and there is no evidence or suggestion that an elected member has sought to influence a licensing decision.

## OPTIONS CONSIDERED

10. Option 1  
Recommend that the existing Policy be amended so as to prohibit existing elected member of Doncaster Council from being nominated as a character referee in support of a new taxi driver licence application.
11. Option 2  
Recommend that the existing Policy be unchanged in so far as it relates to character referees.
12. Option 1 is the preferred option.

## REASONS FOR RECOMMENDED OPTION

13. Character references play one, albeit essential, part in the decision making process for taxi driver licensing. Whilst there is no evidence or suggestion that elected members of Doncaster Council have sought to influence licensing decisions, amending the Policy, to prevent applicants from nominating elected members as referees, will provide an additional safeguard for the Council and the travelling public. Furthermore, new applicants for taxi driver licences will not be adversely affected or unduly burdened by this change to the Policy.

## IMPACT ON THE COUNCIL'S KEY PRIORITIES

14.

	<b>Priority</b>	<b>Implications</b>
	<p>We will support a strong economy where businesses can locate, grow and employ local people.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Be a strong voice for our veterans</i></li> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>We will help people to live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>

	<p>We will make Doncaster a better place to live, with cleaner, more sustainable communities.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>We will support all families to thrive.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	<p>None</p>
	<p>We will deliver modern value for money services.</p>	<p>Functions are delegated in the interests of speed, efficiency and cost effectiveness wherever possible.</p>
	<p>We will provide strong leadership and governance, working in partnership.</p>	<p>None</p>

## **RISKS AND ASSUMPTIONS**

15. It is accepted good practice that a Licensing Authority adopts a statement of licensing policy in respect of taxi licensing. By not having a Policy decisions of the Licensing Authority are more open to challenge.

## **LEGAL IMPLICATIONS**

16. Section 57(1) of the Local Government (Miscellaneous Provisions) Act 1976, states that a district council may require any applicant for a licence under the Town Police Clauses Act 1847 or under this part of this act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence..

## **FINANCIAL IMPLICATIONS**

17. There are no specific financial implications associated with this report.

## **EQUALITY IMPLICATIONS**

18. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

## **CONSULTATION**

19. Consultation has taken place with the Mayor and the Chief Executive of Doncaster Council.

## **BACKGROUND PAPERS**

20. Doncaster Council's Hackney Carriage and Private Hire Licensing Policy.

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