



REPORT TITLE: Decision Making – Hackney Carriage and Private Hire Licensing and Safety Committee – Wednesday 14th February 2024

Cabinet date	N/A
Cabinet Member	Councillor Mussarat Pervaiz
Key Decision Eligible for Call In	No No
Purpose of Report: For members to consider and resolve a decision-making process relating to the hackney carriage and private hire licensing service.	
<p>Recommendations Members are asked to consider the following options and take a decision on how decision making in relation to hackney carriage and private hire should be undertaken.</p> <ul style="list-style-type: none"> • Members panel • Officer Panel • Group Leader • Hybrid Panel <p>Reasons for Recommendations</p> <ul style="list-style-type: none"> • If members are minded to deviate from the statutory guidance issued by the Department for transport, members will be required to provide full reasons for the decision. 	
<p>Resource Implications: If members decide to move from the existing decision making by the group leader for licensing, there will be resource implications in the creation of new processes and procedures. In addition, there will be the requirement for additional human resources from different areas within the Council, including, other senior managers, Governance Officers, Legal and so on.</p>	
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall – 26.01.2024
Is it also signed off by the Service Director for Finance?	Isabel Brittain – 31.01.2024
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft – 25.01.2024

Electoral wards affected: All

Ward councillors consulted: All

Public or private: Public

Has GDPR been considered? Yes, there is no personal data contained in this report.

1. Executive Summary

1.1 The statutory “Taxi and Private Hire Vehicle Standards” issued by the Department for Transport in July 2020 resulted in a review of the Councils hackney carriage and private hire licensing policy to bring it in line with the recommended standards. A consultation was carried out between Tuesday 14th September 2021 and 30th March 2022.

1.2 This report is specifically relating to decision making for the hackney carriage and private hire service.

2. Information required to take a decision

2.1 Currently decision making for hackney carriage and private hire licensing is delegated down to officers with most of the decisions being taken by the Group Leader for the licensing service.

2.2 The guidance issued by the Department for Transport in July 2020 recommends that decision making should be the responsibility of a panel of suitably trained elected members.

2.3 The objective is to separate the investigation of the licensing concerns and the management of the licence process.

2.4 All licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence. The standards recommend that this role is delegated to a senior officer/manager with responsibility for the licensing service.

2.5 Following the issuing of the guidance the licensing service carried out a comprehensive review of its policy and completed a formal consultation. The results of the consultation showed that many respondents agreed that decision making should not be the sole responsibility of one person. The question asked was ‘Do you agree that decision making should stay delegated to the Group Leader for licensing?’ The responses were as follows:

No - 208 Respondents (50%)

Yes – 146 Respondents (35%)

I don't know – 60 Respondents (15%)

2.6 Other comments received back from the consultation also suggested that other persons should be a part of the decision-making process, such as:

- Trade representatives.
- Thorough consultation with the drivers and by calling a meeting.
- A group of leaders.
- DVLA.
- The private hire operator the driver works for.

However, to involve the above would not be an option due to the sensitive and personal information that is disclosed and would be a breach of GDPR. Ultimately, it is for the Licensing Authority to make the decision and officers currently take account of information from some if not all the sources mentioned above.

2.7 Following any decision to refuse, suspend or revoke a licence, legally there is the right of appeal to the Magistrates Court for the applicant or licence holder.

2.8 At the meeting of the Licensing and Safety Committee on Wednesday 6th July 2022 members instructed officers to investigate possible options relating to decision making and the implications for those options and present a more detailed report.

2.9 At the meeting of the Licensing and Safety Committee on Wednesday 5th October 2022 several other options for decision making were presented to members. The Options identified were:

- Members panel
- Officer panel
- Decisions to remain delegated to officers, namely the Group Leader for Licensing

2.10 Members resolved that decisions should remain with the Group Leader for Licensing and instructed officers to undertake further work to investigate other possible options that could incorporate members into the decision making and bring a report back to a future meeting of the Licensing and Safety Committee.

2.11 At the meeting of the Licensing and Safety Committee on Wednesday 1st February 2023, the options identified for members to consider were:

- Members panel
- Officer panel

- Decisions to remain delegated to officers and remain with the group leader for licensing
- A Hybrid panel with both officer and member involvement

2.12 Members resolved:

- The decision regarding the decision-making process relating to hackney carriage and private hire be deferred to allow officers to undertake further work and bring this back for consideration at a future meeting of the Licensing and Safety Committee.
- Officers liaise with other West Yorkshire Local Authorities to explore the reason and rationale for deviating from the Department for Transport guidance on hackney carriage and private hire decision making responsibilities.
- Further information be provided on the process that would be undertaken for an officer panel and a hybrid panel.
- An estimate of the cost and timescale on each of the four options be produced.
- Information on the resource implications, including the workload for members and officers be produced for each of the four options.

2.13 **Appendix 1** provides the benefits and risks of each option as well as the process.

2.14 **Appendix 2** provides more details about the process, timescales, frequencies, and estimated costs for each option.

2.15 **Appendix 3** provides details about the decision-making processes taken by the other West Yorkshire Authorities.

3. Implications for the Council

3.1 Working with People

One of the licensing service's key priorities is to ensure the standards across the private hire and hackney carriage trade in Kirklees are high to protect the travelling public. We want both Kirklees residents and visitors to our beautiful area to be transported safely, to know they are protected from harm and that they experience a high quality, clean, sustainable, and green environment, as well as a good customer experience.

3.2 Working with Partners

In developing its policies and delivering its service the licensing team works with several partners including (and not exclusively) Kirklees Safeguarding Children and Adults boards, West Yorkshire Police, Public Health, Environmental Health, Overview and Scrutiny Committee, the Community Safety Partnership and the other West Yorkshire Licensing Authorities (Inc. York).

3.3 Place Based Working

There is no specific impact in the context of this report. However, reviewing policies and procedures enables the service to examine the way in which it interacts and engages with licence holders, residents, and communities.

3.4 Climate Change and Air Quality

There is no impact in relation to climate change and air quality in this report.

3.5 Improving outcomes for children

The Council has a duty to protect the travelling public and specifically safeguard the vulnerable, which includes the safeguarding of children travelling in licensed vehicles and for the purposes of school transport.

3.6 Financial Implications

It should be noted that any additional administration of either member or officer panels will have some consequential costs for the authority, potentially, room bookings, additional officer time etc. However, these costs can be recouped in changes to the Licensing Fees, there may be unforeseen additional administrative costs – these are not considered to be significant. Any such additional costs will, however, be contained within existing budgets.

3.7 Legal Implications

No significant concerns from Legal.

3.8 Other (eg Risk, Integrated Impact Assessment or Human Resources)

IIA

There is no requirement for an IIA in this report.

Human Resources

A change to the decision making to a panel of officers or members will place an additional administrative and human resource burden on the authority and this will be recovered through a review of the licensing fees.

4. Consultation

4.1 A formal consultation on the recommendations within the statutory guidance issued by the Department for Transport was carried out between 14th September 2021 to 30th March 2022 and the responses were considered by members at the meeting of the Licensing and Safety Committee on Wednesday 6th July 2022.

5. Engagement

5.2 Officers have engaged with other West Yorkshire Licensing Authorities regarding the decision making for hackney carriage and private hire licensing.

6. Options

6.1 Options considered

6.1.1 Members are asked to consider the following four options and take a decision on how decision making in relation to private hire and hackney carriage licensing should be undertaken: -

1. A members panel – from April 2024
2. An officer panel – from April 2024
3. Remain with the Group Leader for licensing – to continue.
4. A hybrid member and officer panel – from April 2024

6.1.2 If members resolve to agree option 4, a hybrid member and officer panel, they are then asked to consider the level of member involvement in the panel: -

1. The chair of the licensing and safety committee
2. One trained member of the licensing and safety committee
3. Another level of member involvement in the panel

6.1.3 If members resolve to agree option 4, a hybrid member and officer panel, they are then asked to consider who would chair the meetings: -

1. The Group Leader for Licensing
2. The Chair of the Licensing and Safety Committee or another member who is in attendance.

6.2 Reasons for recommended option

6.2.1 If members are minded to deviate from the statutory guidance issued by the Department for transport, members will be required to provide full reasons for the decision.

7. Next steps and timelines

7.1 Members are asked to make a decision about the hackney carriage and private hire decision making responsibility.

7.2 Members are reminded, the standards recommend that decision making should be the responsibility of a panel of suitably trained Councillors.

7.3 Deviation from the standards is permitted so long as licensing authorities “have regard” to it when exercising their functions. These functions include developing, implementing, and reviewing taxi and private hire vehicle

licensing regimes. Therefore, if members deviate from the statutory guidance, you are required to provide reasons why are not adopting the guidance.

7.4 Following the decision by members if it is decided that decision making will be the responsibility of a panel of suitably trained Councillors then there will need to be a formal change made to the Council's constitution. It is proposed that this will come into effect on 1st October 2024 to allow for processes, procedures and resources be put in place and to ensure elected members who sit on the Licensing and Safety committee have completed sufficient training to be able to make decisions and be consistent in their decision making as there may be a requirement for decision makers to attend court to defend their decision.

7.5 If members make the decision that the responsibility of decision making were to fall to a panel of officers there will be no requirement for a full change to the constitution. It is proposed that this will come into effect on 1st April 2024 as new processes, procedures and resources will be required to facilitate the changes.

7.6 If members decide that the responsibility of decision making is to remain with the Group Leader for licensing a full review of the process has been carried out which aligns with the principles of natural justice and can be seen at Appendix 1. The two universal principles of natural justice are:

- Hear both sides; and
- No person shall be a judge in their own case.

7.7 If members resolve that the responsibility of decision making be a hybrid panel including members and officers, this will require a change to the Council's constitution. It is proposed that this will come into effect on 1st October 2024 to allow for processes, procedures and resources be put in place and to ensure all elected members who will be involved in decision making have completed sufficient training to be able to make decisions and be consistent in their decision making as there may be a requirement for the decision makers to attend court to defend their decision.

8. Contact officer

Fiona Goldsmith
Public Protection Group Leader – Licensing
01484 221000(ext 79921) or Fiona.goldsmith@kirklees.gov.uk

9. Background Papers and History of Decisions

[Agenda for Licensing and Safety Committee on Thursday 17th December 2020, 10.00 am | Kirklees Council](#)

[Agenda for Licensing and Safety Committee on Tuesday 20th July 2021, 10.00 am | Kirklees Council](#)

[Agenda for Licensing and Safety Committee on Wednesday 6th July 2022, 10.00 am | Kirklees Council](#)

[Agenda for Licensing and Safety Committee on Wednesday 1st February 2023, 10.00 am | Kirklees Council](#)

10. Appendices

Appendix 1 – Decision Making Options

Appendix 2 – Resource Implications, Timescales, Frequency and Costs

Appendix 3 – Decision Making – Other West Yorkshire Licensing Authority's.

11. Service Director responsible

Katherine Armitage

Service Director – Environmental Strategy and Climate Change

Tel: 01484 221000

Email: Katherine.armitage@kirklees.gov.uk

Decision Making Options1. Members Panel

Benefits	Risks
Degree of Impartiality	Is likely to cause delays in decision making, this will negatively impact both the new applicants who will have to wait for a decision regarding their application and those existing licence holders who will have to wait for an outcome of an investigation.
Will address some of the concerns raised as part of the consultation on the DfT standards	Staffing resource implications, all panels will be required to have minutes taken by Governance officers and published, legal officer support, licensing officers and the requirement for a meeting room.
Will be compliant with the recommendation in the DfT standards	Increased costs which would be borne by the licence holder / applicant
	Lobbying of members by licence holder and applicants, many applicants will be residents in Kirklees.

	<p>To return to a member panel will take us out of step with other West Yorkshire Licensing Authorities whose decision making is the responsibility of officers not members.</p>
	<p>The decision was previously taken to change from members decisions to streamline, simplify and ensure consistency in decision making was achieved. The current policy was adopted for this purpose. A change back to a member panel will also require a change to the Council's constitution.</p>
	<p>Training ALL members to a suitable standard to comply with the requirements of the DfT standards.</p>
	<p>Consistency in decision making – if members only sit on panel once a year or the members of the panels change all the time there will likely be an inconsistent approach in the decision making and level of knowledge and training.</p>

Process

Step	Process	Comments
1.	<p><u>Issue comes to light either with new applicant or existing licence holder</u></p> <ul style="list-style-type: none"> • Does the issue fall within policy Y / N – if yes then move to step 2 if no then: - • If an existing licence holder, do they have a history that, along with the current issue calls into question their fitness and suitability to hold a licence Y / N – if yes then step 2, if no then: - • Investigate issue in isolation and take appropriate actions, i.e. warning letter, verbal warning or no further action. 	<p>Issues come to light via multiple sources:</p> <ul style="list-style-type: none"> • DBS • Complaint • Self-Declaration • DVLA check • Enforcement Activity • Checks with other licensing authorities • Other
2.	<p><u>Officer Investigates the Issue</u></p> <ul style="list-style-type: none"> • Gathers evidence • Speaks to third parties, i.e. complainant, police, other agencies • Informs licence holder / applicant of the issue at hand • Prepares to interview licence holder • Invites licence holder / applicant for interview in writing • Holds interview and informs licence holder of next steps • Prepares report for Group Leader to sign off and agree recommendations • Report follows Governance sign off procedure (TBC) 	<ul style="list-style-type: none"> • Recorded interview – not PACE • Option to have someone present - does not have to be legal • Present information on issue and evidence collated • Opportunity for licence holder to respond and offer their version of events • Question licence holder further • Summarise • Outline next steps
3.	<p><u>Licence Holder invited to attend member panel</u></p> <ul style="list-style-type: none"> • Letter sent to Licence holder / applicant detailing time/date/place and include order of proceedings 	<ul style="list-style-type: none"> • Advised to obtain own legal advice, advised can be accompanied by legal representation or friend, advise if person who accompanies them is

		<p>a friend, then panel need to agree if they can speak on their behalf</p> <ul style="list-style-type: none"> • Need to send order of proceedings with invite. Order of proceedings need to be confirmed.
4.	<p><u>Member Panel Hearing</u></p> <ul style="list-style-type: none"> • Licence holder / applicant attends • Chair opens hearing • Officer outlines case • Licence holder / applicant given opportunity to address panel • Licence holder / applicant offers any explanations required • Questions can be asked by panel to officers or licence holder / applicant • Members debate in private with legal and governance officer present and make the decision • Licence holder / applicant verbally advised of decision and right of appeal with summary of reasons and decision • Decision letter sent within 5 working days formally detailing the decisions and reasons for the decision and commencing the 21-day appeal timescale. 	<ul style="list-style-type: none"> • Member panel can ask questions of both licensing officer and licence holder / applicant • Licence holder / applicant can provide any information to the officer panel to support their case

2. Officer Panel

Benefits	Risks
Impartiality	Is likely to cause delays in decision making, this will negatively impact both the new applicants who will have to wait for a decision regarding their application and those existing licence holders who will have to wait for an outcome of an investigation.
Addresses some of the issues raised because of the consultation on the DfT statutory standards.	Staffing resource implications, there will be a requirement for staff to source meeting rooms and take minutes. This will also be resource intensive for those officers who sit on the panel and legal.
Would not require a change to the Council's constitution	Increased costs which would be borne by the licence holder / applicant
	Does not comply with DfT standards, members will be required to give due regard to the standards and have reasons why we have departed from them.

Process

Step	Process	Comments
1.	<p><u>Issue comes to light either with new applicant or existing licence holder</u></p> <ul style="list-style-type: none"> • Does the issue fall within policy Y / N – if yes then move to step 2 if no then: - • If an existing licence holder, do they have a history that, along with the current issue calls into question their fitness and suitability to hold a licence Y / N – if yes then step 2, if no then: - • Investigate issue in isolation and take appropriate actions, i.e. warning letter, verbal warning or no further action. 	<p>Issues come to light via multiple sources:</p> <ul style="list-style-type: none"> • DBS • Complaint • Self-Declaration • DVLA check • Enforcement Activity • Checks with other licensing authorities • Other
2.	<p><u>Officer Investigates the Issue</u></p> <ul style="list-style-type: none"> • Gathers evidence • Speaks to third parties, i.e. complainant, police, other agencies • Informs licence holder / applicant of the issue at hand • Prepares to interview licence holder • Invites licence holder / applicant for interview in writing • Holds interview and informs licence holder of next steps • Prepares report for Officer panel 	<ul style="list-style-type: none"> • Recorded interview – not PACE • Option to have someone present - does not have to be legal • Present information on issue and evidence collated • Opportunity for licence holder to respond and offer their version of events • Question licence holder further • Summarise • Outline next steps
3.	<p><u>Licence Holder invited to attend officer panel</u></p> <ul style="list-style-type: none"> • Letter sent to licence holder / applicant detailing time/date/place and include order of proceedings 	<ul style="list-style-type: none"> • Advised to obtain own legal advice, advised can be accompanied by legal representation or friend, advise if person who accompanies them is a friend, then panel need to agree if they can speak on their behalf

		<ul style="list-style-type: none"> • Need to send order of proceedings with invite. Order of proceedings need to be confirmed.
4.	<p><u>Officer Panel Hearing</u></p> <ul style="list-style-type: none"> • Licence holder / applicant attends • Chair opens hearing • Officer outlines case • Licence holder / applicant given opportunity to address panel • Licence holder / applicant offers any explanations required • Questions can be asked by panel to officers or applicant/licence holder • Panel debates in private • Licence holder / applicant verbally advised of decision and right of appeal with summary of reasons and decision • Decision letter sent within 5 working days formally detailing the decisions and reasons for the decision and commencing the 21-day appeal timescale. 	<ul style="list-style-type: none"> • Officer panel can ask questions of both licensing officer and licence holder / applicant • Licence holder / applicant can provide any information to the officer panel to support their case

3. Decisions stay at Group Leader Level

Benefits	Risks
Impartiality of the decision maker	There is a perception from the licensed trade that there isn't impartiality
Decisions made in a timely manner	Does not address the concerns raised following the consultation on the DfT standards
Reduction in cost to the trade	Does not comply with DfT standards, members will be required to give due regard to the standards and have reasons why we have departed from them.
Is in line with the other West Yorkshire Licensing Authorities	
Consistency in decision making	

Process

Step	Process	Comments
1.	<p><u>Issue comes to light either with new applicant or existing licence holder</u></p> <ul style="list-style-type: none"> • Does the issue fall within policy Y / N – if yes then move to step 2 if no then: - • If an existing licence holder, do they have a history that, along with the current issue calls into question their fitness and suitability to hold a licence Y / N – if yes then step 2, if no then: - • Investigate issue in isolation and take appropriate actions, i.e. warning letter, verbal warning or no further action. 	<p>Issues come to light via multiple sources:</p> <ul style="list-style-type: none"> • DBS • Complaint • Self-Declaration • DVLA check • Enforcement Activity • Checks with other licensing authorities • Other
2.	<p><u>Officer Investigates the Issue</u></p> <ul style="list-style-type: none"> • Gathers evidence • Speaks to third parties, i.e. complainant, police, other agencies • Informs licence holder / applicant of the issue at hand • Prepares to interview licence holder • Invites licence holder / applicant for interview in writing • Holds interview and informs licence holder of next steps • Prepares report for group leader 	<ul style="list-style-type: none"> • Recorded interview – not PACE • Option to have someone present - does not have to be legal • Present information on issue and evidence collated • Opportunity for licence holder to respond and offer their version of events • Question licence holder further • Summarise • Outline next steps
3.	<p><u>Licence Holder invited to attend a meeting with the group leader</u></p> <ul style="list-style-type: none"> • Letter sent to applicant/licence holder detailing time/date/place 	<ul style="list-style-type: none"> • Advised to obtain own legal advice, advised can be accompanied by legal representation or friend, advise if person who accompanies them is a friend, then panel need to agree if they can speak on their behalf

		<ul style="list-style-type: none"> • Advised they will be permitted 10 minutes to address the group leader
4.	<p><u>Meeting with Group Leader</u></p> <ul style="list-style-type: none"> • Licence holder / applicant attends • Licensing Officer outlines case • Licence holder / applicant given opportunity to address group leader for 10 minutes • Licence holder / applicant offers any explanations required • Questions can be asked by group leader to applicant/licence holder • Decision not given on the day • Decision letter sent within 5 working days formally detailing the decisions and reasons for the decision and commencing the 21-day appeal timescale. 	<ul style="list-style-type: none"> • Group leader can ask questions of both licensing officer and licence holder / applicant • Licence holder / applicant can provide any information to the group leader to support their case

4. Hybrid Panel – Including Officers and Members

Benefits	Risks
Impartiality	Is likely to cause delays in decision making, this will negatively impact both the new applicants who will have to wait for a decision regarding their application and those existing licence holders who will have to wait for an outcome of an investigation.
Addresses some of the issues raised because of the consultation on the DfT statutory standards	Staffing resource implications, all panels will be required to have minutes taken by Governance officers and published, legal officer support, licensing officers and the requirement for a meeting room.
Will be partially compliant with the recommendation in the DfT standards	Increased costs which would be borne by the licence holder / applicant
	It will take us out of step with other West Yorkshire Licensing Authorities whose decision making is the responsibility of officers not members.
	Member involvement would require a change to the Council's constitution.

Process

Step	Process	Comments
1.	<p><u>Issue comes to light either with new applicant or existing licence holder</u></p> <ul style="list-style-type: none"> • Does the issue fall within policy Y / N – if yes then move to step 2 if no then: - • If an existing licence holder, do they have a history that, along with the current issue calls into question their fitness and suitability to hold a licence Y / N – if yes then step 2, if no then: - • Investigate issue in isolation and take appropriate actions, i.e. warning letter, verbal warning or no further action. 	<p>Issues come to light via multiple sources:</p> <ul style="list-style-type: none"> • DBS • Complaint • Self-Declaration • DVLA check • Enforcement Activity • Checks with other licensing authorities • Other
2.	<p><u>Officer Investigates the Issue</u></p> <ul style="list-style-type: none"> • Gathers evidence • Speaks to third parties, i.e. complainant, police, other agencies • Informs licence holder / applicant of the issue at hand • Prepares to interview licence holder • Invites licence holder / applicant for interview in writing • Holds interview and informs licence holder of next steps • Prepares report for group leader 	<ul style="list-style-type: none"> • Recorded interview – not PACE • Option to have someone present - does not have to be legal • Present information on issue and evidence collated • Opportunity for licence holder to respond and offer their version of events • Question licence holder further • Summarise • Outline next steps
3.	<p><u>Licence Holder invited to attend a meeting with the hybrid panel</u></p> <ul style="list-style-type: none"> • Letter sent to applicant/licence holder detailing time/date/place 	<ul style="list-style-type: none"> • Advised to obtain own legal advice, advised can be accompanied by legal representation or friend, advise if person who accompanies them is a friend, then panel need to agree if they can speak on their behalf

		<ul style="list-style-type: none"> • Advised they will be permitted 10 minutes to address the panel
4.	<p><u>Hybrid Panel Hearing</u></p> <ul style="list-style-type: none"> • Licence holder / applicant attends • Chair (TBC) opens hearing • Officer outlines case • Licence holder / applicant given opportunity to address panel • Licence holder / applicant offers any explanations required • Questions can be asked by panel to officers or applicant/licence holder • Panel debates in private • Licence holder / applicant verbally advised of decision and right of appeal with summary of reasons and decision • Decision letter sent within 5 working days formally detailing the decisions and reasons for the decision and commencing the 21-day appeal timescale 	<ul style="list-style-type: none"> • Panel can ask questions of both licensing officer and licence holder / applicant • Licence holder / applicant can provide any information to the panel to support their case

Resource Implications, Timescales, Frequency and Costs

	Process	Timescales/Frequency	Estimated Costs per hearing/case
Member Panel (Regulatory Panel)	<ul style="list-style-type: none"> • Requires a change to the Constitution prior to starting this option. • Licensing notify Governance about the need for a panel. • Governance officers book a room in the town hall and arrange the availability of members for the hearing. • Officers prepare the report, and the report is circulated by Governance officers 7 days in advance of the hearing. • Members sitting on the panel will be required to read all papers prior to the hearing. • The hearing is held in private session. • 5 members sit on the panel, including the chair. • Legal officer attends to advise members on any legal matters during the hearing. • Licence holder / applicant attends. • Chair opens hearing. • Officer outlines case. • Licence holder / applicant given opportunity to address panel. • Licence holder / applicant offers any explanations required. 	<ul style="list-style-type: none"> • Member panels will be organised when required. • Delays may occur due to unavailability of rooms in the town hall. • Relies on the availability of members to sit on the panel. • The frequency of hearings will be variable, there may be a requirement for 2 or 3 a week or 2 or 3 a month. • This may result in a lengthy wait for an applicant / licence holder before they get to a panel meeting and receive a decision. 	<p>Estimated cost of Governance time per hearing (9.5 hrs) = £218.79</p> <p>Estimated cost of Legal Officer time per hearing (4 hrs) = £140</p> <p>Estimated cost for time for senior manager report sign off (2 hrs) = £70</p> <p>Estimated cost of Licensing officer time per hearing (6.5 hrs) = £149.18</p> <p>Total Estimated Cost per hearing: £578</p> <p>Average number of decisions 4 per month = £2312</p> <p>Nb. There is no current internal recharge for room hire in the town hall,</p>

	<ul style="list-style-type: none"> • Questions can be asked by panel to officers or licence holder / applicant. • Members debate in private with legal and governance officer present and make the decision. • Licence holder / applicant verbally advised of decision and right of appeal with summary of reasons and decision. • Decision letter drafted and sent within 5 working days formally detailing the decisions and reasons for the decision and commencing the 21-day appeal timescale if refused / revoked. • If appealed the decision maker(s) (members) may be required to attend court. 		<p>however, this is under review.</p> <p>This costing does not include costs for member involvement and time. There will also be additional costs for regular member training which will be paid for by the trade when calculating fees.</p>
<p>Officer Panel</p>	<ul style="list-style-type: none"> • May require an amendment to the scheme of delegation to add officers. • Panel Meetings scheduled weekly/two weekly for 3 hours per meeting. 1 hour per applicant/driver. • Report completed by investigating officer. • Driver/applicant written to inviting them to attend panel meeting. • Report circulated to officer's sitting on the panel a week prior to the meeting. • Officers will be required to read papers prior to the meeting. • 3 officers sit on panel, Group Leader Licensing to chair, LADO/safeguarding officer, and another manager at Group Leader Level or above. In the absence of the Group Leader the Operations 	<ul style="list-style-type: none"> • Meetings will be scheduled, and rooms booked in advance for every week/every 2 weeks. • This will take up a lot of time for three senior council officers, if officers outside of licensing are part of the panel the licensing service will be required to pay for the time of the officers. • There may be some delays in decisions for applicants / licence 	<p>Estimated cost of officer time per panel (based on same grade as Group leader for licensing, may be higher if more senior officers sit on the panel) (14 hrs) = £464.52</p> <p>Estimated cost of licensing officer time per panel (7 hrs) = £160.65</p> <p>Total Estimated Cost: £625.17</p> <p>Average number of decisions 4 per month = £2,500.68</p>

	<p>Manager or Head of Service will chair the panel.</p> <ul style="list-style-type: none"> • Licence holder / applicant attends. • Chair opens hearing. • Officer outlines case. • Licence holder / applicant given opportunity to address panel. • Licence holder / applicant offers any explanations required. • Questions can be asked by panel to officers or licence holder / applicant. • Panel debate in private and make the decision. • Licence holder / applicant verbally advised of decision and right of appeal with summary of reasons and decision. • Decision letter drafted and sent within 5 working days formally detailing the decisions and reasons for the decision and commencing the 21-day appeal timescale if refused / revoked. • If appealed the decision makers may be required to attend Court. 	<p>holders if demand increases for decisions.</p>	<p>An officer panel will require a formal meeting setting and will require the booking of a meeting room. Some meeting rooms do incur an internal recharge so will likely result in additional cost.</p>
<p>Group Leader</p>	<ul style="list-style-type: none"> • No amendment to the constitution or scheme of delegation required. • Licensing Officer completed investigation and report and passes to Group Leader for licensing for consideration. • If it is likely the licence will be refused or revoked. This will not be necessary if the decision is not to refuse/ revoke following consideration of the report. Group Leader asks officer to ask driver if they wish to have a meeting or 	<ul style="list-style-type: none"> • Meetings can be scheduled as and when required. • There is no delay for applicants / licence holder in receiving decisions. • It is time consuming for the decision maker. 	<p>Estimated cost of licensing officer time per case (5 hrs) = £114.75</p> <p>Estimated cost of Group Leader time per case (5 hrs) = £165.90</p> <p>Total Estimated Cost: £280.65</p>

	<p>provide any additional information prior to the decision being taken.</p> <ul style="list-style-type: none"> • If meeting is requested, licensing officer books an hour slot and a meeting room and invites licence holder to attend. • During the meeting the Group Leader can ask the applicant / licence holder questions and asks if the applicant / licence holder has any further information they want to be considered. • The applicant / licence holder leaves and the matter is considered by the Group Leader and a decision letter is drafted and sent to the applicant / licence holder. If refused / revoked the letter commences the 21-day appeal timescale. • Group Leader attends court if matter is appealed. 		<p>Average number of decisions 4 per month = £1,122.60</p> <p>This can be done in a more informal setting booking a small meeting room that will not incur additional costs.</p>
<p>Hybrid Member/Officer Panel</p>	<ul style="list-style-type: none"> • A hybrid panel is a new possible approach to decision making. As there would be member involvement there will be a requirement for a change to the constitution and scheme of delegation. • As members will be involved in this, either one or more, will mean Governance and Legal will also be involved in the process. • Report completed by investigating officer. • Licensing notify Governance about the need for a panel. 	<ul style="list-style-type: none"> • Hybrid panel meetings will be scheduled as and when required. • Delays may occur due to unavailability of town hall rooms. • Relies on the availability of members to sit on the panel. • The frequency of hearings will be variable, there may be a requirement for 2 or 3 a week or 2 or 3 a month. 	<p>Estimated cost of Governance time per hearing (9.5 hrs) = £218.79</p> <p>Estimated cost of Legal Officer time per hearing (4 hrs) = £140</p> <p>Estimated cost for time for senior manager report sign off (2 hrs) = £70</p> <p>Estimated cost of panel officer time for panel per hearing for 1 officer (4 hrs) = £132.72</p>

	<ul style="list-style-type: none"> • Governance officers book a room in the town hall and arrange the availability of the member(s) for the hearing. • Officers prepare the report, and the report is circulated by Governance officers 7 days in advance of the hearing. • Both members and officers sitting on the panel will be required to read the papers prior to the meeting. • The hearing is held in private session. • The panel will be made up of both members and an officer. It is suggested that the panel consist of 3 people, one officer and two members. The officer who will be involved will be the Group Leader for Licensing, in their absence it will be the Operational Manager or Head of Service. The chair of the panel is to be decided by members if this is the option they choose. • Legal officer attends to advise members on any legal matters during the hearing. • Licence holder / applicant attends. • Chair opens hearing. • Officer outlines case. • Licence holder / applicant given opportunity to address panel. • Licence holder / applicant offers any explanations required. • Questions can be asked by panel to officers or licence holder / applicant. 	<ul style="list-style-type: none"> • This may result in a lengthy wait for an applicant / licence holder before they get to the panel meeting and receive a decision. 	<p>Estimates cost of licensing officer time per hearing (6.5 hrs) = £149.18</p> <p>Total Estimated Cost: £710.69</p> <p>Average number of decisions 4 per month = £2,842.76</p> <p>Nb. There is no current internal recharge for room hire in the town hall, however, this is under review.</p> <p>This costing does not include costs for member involvement and time.</p> <p>There will also be additional costs for regular member training which will be paid for by the trade when calculating fees.</p>
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	<ul style="list-style-type: none">• Panel debate in private with legal and governance officer present and make the decision.• Licence holder / applicant verbally advised of decision and right of appeal with summary of reasons and decision.• Decision letter drafted and sent within 5 working days formally detailing the decisions and reasons for the decision and commencing the 21-day appeal timescale if refused / revoked. If appealed the decision maker(s) (officer and members) may be required to attend court.		
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Decision Making - Other West Yorkshire Licensing Authorities

<u>Local Authority</u>	<u>Decision Making Process</u>
Bradford	<p>Decisions are currently with officers in Bradford – their recommendation following DfT guidance for decisions to remain with officers has not yet gone to committee. Their justification for it to remain is based on knowledge of corresponding legislation/policy and experience and that the knowledge and experience cannot be maintained with members as panel members can change.</p> <p>Decisions currently:</p> <p>Licensing Manager and Enforcement Manager hold delegated powers to revoke/refuse/suspend/grant + add conditions (including departing from policy)</p> <p>Enforcement Officers can Suspend/Grant + add conditions.</p> <p>Licensing Officers can Grant.</p>
Calderdale	<p>Decision Making was considered in a report to the Licensing and Regulatory Committee on 17th October 2022 following the DfT guidance recommendations was to continue with delegation to officers for decision making and consider the matter at a future meeting following consultation and consideration of the approach and experiences of other local Authorities.</p>
Leeds	<p>Decision Making sits with Officers at varying levels up to the Licensing Manager regarding vehicles and drivers.</p> <p>For Minor Motoring Convictions Leeds are currently setting up a member panel to agree or disagree officer recommendations.</p>

Wakefield	No response was received from Wakefield regarding the matter.
York	<p>The below is what York are currently considering for their decision making.</p> <p>Decision Making</p> <p>5.1 The Licensing and Regulatory Committee has been established by the Council, this Committee makes recommendation to Full Council with regards to Policy matters relating to hackney carriage and private hire licensing. A Sub-Committee (three Members) of this Committee will be established if required, and if it is in the public interest to do so, to determine to:</p> <ul style="list-style-type: none"> • Grant or renew an application for a hackney carriage or private hire vehicle licence • Grant or renew an application for a hackney carriage or private hire drivers licence • Grant or renew an application for a private hire operator's licence • Refuse an application for the grant or renew of a hackney carriage or private hire vehicle licence • Refuse an application for the grant or renew of a hackney carriage or private hire drivers licence • Refuse an application for the grant or renew of a private hire operator's licence • Suspend or revoke a hackney carriage or private hire vehicle licence • Suspend or revoke a hackney carriage or private hire driver's licence • Suspend or revoke a private hire operator's licence <p>5.2 Officers within the Licensing Section have delegated powers to determine:</p> <ul style="list-style-type: none"> • Grant or renew an application for a hackney carriage or private hire vehicle licence • Grant or renew an application for a hackney carriage or private hire drivers licence • Grant or renew an application for a private hire operator's licence • Refuse an application for the grant or renew of a hackney carriage or private hire vehicle licence • Refuse an application for the grant or renew of a hackney carriage or private hire drivers licence • Refuse an application for the grant or renew of a private hire operator's licence • Suspend or revoke a hackney carriage or private hire vehicle licence • Suspend or revoke a hackney carriage or private hire driver's licence • Suspend or revoke a private hire operator's licence <p>Mechanics within Fleet Services also have delegated authority to suspend a vehicle licence if the vehicle fails an inspection or no longer complies with the vehicle licence conditions.</p> <p>5.3 Decision to refuse to grant, refuse to renew, suspend or revoke a vehicle licence will be taken if the vehicle is not considered to be fit, for example:</p>

- vehicle fails an inspection
- vehicle fails to attend an inspection
- vehicle no longer complies with the vehicle licence conditions
- required documentation relating to the vehicle is not submitted when requested, for example insurance or MOT certificate
- the vehicle has been involved in an accident and is no longer consider road worthy

5.4 Decision to refuse to grant, refused to renew, suspend or revoke a driver's licence will be taken if the applicant or licensed driver is not considered to be a fit and proper person to hold a licence.

5.5 Decision to refuse to grant, refused to renew, suspend or revoke an operator's licence will be taken if the applicant or licensed operator is not considered to be a fit and proper person to hold a licence.