



## **RECORD OF DELEGATED DECISION (OFFICER)**

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| <b>1. Decision Reference No.</b>   | <b>CEX426</b>  |
| <b>2. Name/Title of Officer</b>  | <b>Pranali Parikh<br/>Director for Growth &amp; Regeneration</b> |
| <b>3. Email address of Officer</b>   | <b>pparikh@melton.gov.uk</b>                                     |
| <b>4. Title / Subject Matter:</b>  | <b>Taxi driver – breach of policy</b>                            |
| <b>5. Type of Decision:</b>  | <b>Public</b>  |
| <b>6. Key Decision?</b>  | <b>No</b>  |
| <b>7. Decision Taken:</b><br><br>To issue 6 points to the Hackney Carriage and Private Hire licence for a taxi driver who has failed to notify us of receiving 3 points of DVLA licence within 10 days.  |  |
| <b>8. Reasons for Decision:</b><br><br>In regards to the Licensee failing to inform the Licensing authority of points on their DVLA licence within 10 days of receiving them, the Licensee should be issued with 6 points in accordance with Hackney Carriage and Private Hire Policy at point 5.9.1 Penalty Points table part 17. These should remain on the taxi licence for a rolling 12 months and be backdated to the time the authority was made aware of the DVLA points being in existence.<br><br>The policy also stipulates that where an individual licensee reaches 12 penalty points, in a rolling 36 month period, the matter will be referred to the Council's Licensing Sub Committee for the Committee to consider that licensee's continued fitness to hold a licence. The authority was made aware of the DVLA points on the 29 February 2024. Considering this, the points will remain current until 1 <sup>st</sup> March 2025.<br><br>The Licensee will be informed of their ability to appeal the decision if they are not happy in accordance with the policy. |  |
| <b>9. Authority / Legal Power:</b><br><br>The constitution - Chapter 2 – Part 8 – Licensing Committee - Functions and procedure rules - allows The Director for Growth & Regeneration to determine any matter relating to the functions of private hire and Hackney carriage licencing functions under the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and any secondary or subsequent legislation.  |  |

The 1976 Act allows the Council to attach conditions to a licence to drive a private hire vehicle. Bye-laws may also be made under the 1847 Act for the purpose of regulating the conduct of drivers of hackney carriages. Breach of those conditions or bye-laws can give rise to enforcement action including, in appropriate cases, prosecution, suspension or revocation. For lower-level breaches the Courts have agreed that a 'points system' is appropriate, allowing licensing authorities to impose more serious sanctions if the points accumulate to certain levels. The proposed action is in accordance with those principles.

**10. Background Papers attached?**

**No**

**11. Alternative options available / rejected:**

1. Do nothing – failing to do anything when a finding of fact has been made would undermine the licensing process

**12. Implications:**

|                |   |
|----------------|---|
| <b>Legal</b>   | As referred to above.<br>Legal Approval – 5 April 2024  |
| <b>Finance</b> | There are no direct financial implications of this decision to the Council<br>[Finance Approval – Director for Corporate Services - 1 March 2024] |
| <b>HR</b>      | None  |

**13. APPROVAL/SIGN OFF (Do not complete until all implications signed off at Section 12)**

**Signature of Decision Maker with authority to sign :**

Email approval received  
**Pranali Parikh**  
**Director for Growth & Regeneration**

**Consultation with:**

**N/A**

**Date:**

**5 April 2024**

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