

LICENSING REGULATORY COMMITTEE

Enforcement Policy 27 March 2014

Report of Chief Officer (Governance)

PURPOSE OF REPORT

To report the views of the Taxi Task Group.

This report is public

RECOMMENDATIONS

- (1) **That the report be noted, and that no further action be taken in respect of the Enforcement Policy and the Scheme of Delegation.**

1.0 Introduction

1.1 Members will recall that at its meeting on the 9th January 2014, the Committee considered a report on hackney carriage byelaws and their enforcement. This arose from an address to Council on 13 November 2013 by Councillor Mace.

1.2 The Committee, on 9 January 2014, made various recommendations in respect of the byelaws, taxi marshals and ranks, and also resolved that the Licensing Enforcement Policy and Scheme of Delegation be referred to the Taxi Task Group for scrutiny and for a detailed cost analysis to be obtained.

2.0 Proposal Details

2.1 At its meeting on 11 February 2014, the Taxi Task Group considered a report which included sample enforcement policies from a number of other local authorities, and information about the Code for Crown Prosecutors, and the Ministry of Justice Guidance on Simple Cautions for Adult offenders.

2.2 The report indicated that it was not possible to present a detailed cost analysis, as it was not clear what role the Committee wished to have in respect of enforcement. However, any greater involvement by the Committee in enforcement matters would be resource intensive in terms of report writing, agenda preparation, actual committee time for members and officers, and minute writing.

2.3 The officer recommendation was that the current procedure, which has stood the test of time, is the most appropriate, in that it enables officers to determine objectively and in accordance with the CPS Code whether or not to prosecute, and to filter the

less serious matters, so that only those which are serious enough to potentially warrant suspension or revocation of licence are brought before the Committee. This ensures that the Committee does not fetter its discretion, does not prejudice possible legal proceedings, does not leave itself open to claims of predetermination, and makes the most appropriate use of the time available in committee meetings.

2.4 The Task Group considered the report, and noted that the principles set out in the Council's Licensing Enforcement Policy and in the sample enforcement policies were broadly similar. In its discussions, the Task Group focused on the future. It noted that the Bus Station rank was due to be available again in May, and that there were a number of other operational matters that might reduce the need for extensive enforcement action. These included the relaxation of the byelaws, as approved by Council on 5 February 2014, and the forthcoming review of ranks, and in particular the work of the Lancaster City Steering Group/City Centre Change Group which would be taking into consideration the regeneration ambitions of the city as well as the requirements of all groups of highway users. The Task Group also asked that consideration be given to the possibility of licensing officers being authorised to undertake civil parking enforcement in respect of private vehicles parked on taxi ranks.

2.5 The Task Group was of the view that in the light of these more practical solutions, there was no need to amend the Enforcement Policy or Scheme of Delegation.

3.0 Conclusion

3.1 The Committee is asked to note the report.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None directly arising out of this report. The principles enshrined in the Council's Licensing Enforcement Policy ensure that enforcement action is undertaken fairly and objectively.

LEGAL IMPLICATIONS

None directly arising from this report.

FINANCIAL IMPLICATIONS

None directly arising from this report.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer in her capacity as Chief Officer (Governance)

BACKGROUND PAPERS

None

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