

Report of	Meeting	Date
Chief Executive	Licensing and Public Safety Committee	Wednesday, 31 January 2024

## Amendment of Driver Licence Condition in relation to Lost Property

Is this report confidential?	<b>No</b>
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Is this decision key?	<b>No</b>
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### Purpose of the Report

- To request the Committee authorise a minor amendment to the Driver Licence conditions and approve a procedure for the management of lost property by the Council.

### Recommendations

- That the Committee approves the amendment to the Driver Licence conditions proposed in the report, to take effect immediately.
- That the Committee notes that such an amendment takes effect only on the grant of a new licence or on renewal of an existing licence.
- That the Committee approves the procedure for management of Lost Property.

### Reasons for recommendations

- The condition in its current form is unworkable due to the procedure of Lancashire Constabulary in relation to lost property.

### Other options considered and rejected

- Not amend the condition. This option is rejected as it would expose a licensed driver to breaching a condition of their licence through no fault of their own.

### Corporate priorities

- The report relates to the following corporate priorities:

Housing where residents can live well	A green and sustainable borough
An enterprising economy with vibrant local centres in urban and rural areas	<b>Healthy, safe and engaged communities</b>

## **Background to the report**

8. Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 give the Council the power to attach conditions when granting a licence to drive a private hire vehicle.
9. The Council currently has a standard set of conditions which are attached to every driver licence. It is the responsibility of a licensed driver to comply with these conditions at all times. A copy of the current conditions is appended at Appendix 1.

## **Lost Property**

10. In relation to Hirer's Property, Condition 16 and 17 state:

*16. The licensee shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the licensed vehicle for any property which may accidentally have been left therein.*

*17. The licensee of a licensed vehicle shall if any property is accidentally left therein by any person who may have been conveyed in the licensed vehicle and be found by or handed to him/her carry it, as soon as possible and in any event within 24 hours if not sooner claimed by or on behalf of its owner, to a Police Station in the district in order to receive instructions from the Police regarding its custody.*

11. Members of the trade have reported to officers that, on attempting to hand in lost property at a Police Station, they were unable to do so. Officers have confirmed that Lancashire Constabulary would not take custody of lost property, unless that property had a very high value.
12. Officers have taken views of other Licensing Authorities in Lancashire and it was reported that they require lost property to be returned to them, rather than to local police stations.

## **Proposed Amendment**

13. It is therefore proposed to amend Condition 17 to the following:

*If any property accidentally left in a private hire vehicle is found by or handed to the licensee then all reasonable steps must be taken to return the property to its rightful owner. If the property cannot be returned to the owner, then the property should be brought to the Council Offices as soon as is reasonably practicable and, in any case, within 72 hours of its discovery.*

14. The Committee should determine when this amendment should take effect from and it is recommended that it takes effect immediately. It should be noted that amending the standard conditions does not affect licence holders immediately; conditions are imposed only on the grant or renewal of a licence.

## **Consultation**

15. As this change is minor in effect, formal consultation is not proposed to be carried out. Trade representatives and private hire operators are to be informed of this change.
16. Individual licence holders will be informed by written correspondence when a new licence or renewal of a licence is granted.

## Procedure for Management of Lost Property

17. Taking custody of lost property requires an authority to hold the item for a reasonable period of time. In order to ensure a fair and transparent process for the management of lost property, it is proposed to adopt the procedure contained at [Appendix 2](#).

## Climate change and air quality

18. The work noted in this report has no overall impact on the Council's Carbon emissions and the wider Climate Emergency and sustainability targets of the Council.

## Equality and diversity

19. There are no equality or diversity impacts on this work.

## Risk

20. There is a reputational risk to the Council of failure to impose conditions on a licence in a manner which allows compliance by the licence holder.
21. In addition, a licence holder who is aggrieved by the decision to impose a condition is entitled to appeal against that decision and so there is a risk of litigation by imposing conditions which do not allow compliance.

## Comments of the Statutory Finance Officer

22. There are no direct financial implications arising from this report.

## Comments of the Monitoring Officer

23. There are no concerns with what is proposed from a Monitoring Officer perspective. What is proposed is a minor change to an existing condition. Clearly the current wording is not practical any more given the position of Lancashire Constabulary. What is proposed seems to be the best solution in the circumstances. It is difficult to see why any driver or third party would object to this change.

## Background documents

There are no background papers to this report.

## Appendices

Appendix	Description
Appendix 1	Current Driver Licence Conditions
Appendix 2	Procedure for Management of Lost Property

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