

<b>Report to:</b>	<b>PUBLIC PROTECTION SUB-COMMITTEE</b>
<b>Relevant Officer:</b>	Mark Marshall, Head of Licensing Service
<b>Date of Meeting</b>	7 November 2017

## **USE OF DELEGATION OF POWERS - SUSPENSION AND REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES**

### **1.0 Purpose of the report:**

1.1 To highlight to the Sub-Committee the use of delegated powers to revoke a Hackney Carriage and Private Hire driver's licence following consultation with the Chairman.

### **2.0 Recommendation(s):**

2.1 To note the use of delegated powers by the Licensing Enforcement and Health and Safety Manager in the period since the last Sub-Committee meeting on 10 October 2017 contained at section 5.8.

### **3.0 Reasons for recommendation(s):**

3.1 Licensed drivers can be responsible for transporting vulnerable passengers. It is important for the protection of the public that only fit and proper persons are licensed. It is

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, for information only.

### **4.0 Council Priority:**

4.1 The relevant Council Priority is "The Economy: Maximising growth and opportunity across Blackpool"

## 5.0 Background Information

- 5.1 The Local Government (Miscellaneous Provisions ) Act 1976 provides that the Council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or private hire vehicle on any of the following grounds:
- (a) That he has since the grant of the licence:
    - (i) Been convicted of an offence involving dishonesty, indecency or violence; or
    - (ii) Been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of this Act; or
  - (b) Any other reasonable cause.
- 5.2 In August 2017, the Sub-Committee agreed changes to the delegation of powers as recent case law had confirmed that a Council cannot use the suspension of a Hackney Carriage or Private Hire driver's licence as holding operation pending further investigation. The Court held that if a Council were to suspend a licence "it must do so by way of a substantive decision on the fitness of the driver to hold the licence, after giving the driver a proper opportunity to state his case, not merely as a means by which to maintain a position pending the final outcome of the criminal proceedings."
- 5.3 It was agreed that due to changes in the officer structure that the power be allocated to the Licensing Enforcement and Health and Safety Manager.
- 5.4 It was agreed therefore that the procedure work as follows:
- 5.5 That in the event of a serious concern being raised regarding the fitness of a driver to hold a Hackney Carriage or Private Hire Drivers' Licence the Licensing Enforcement and Health and Safety Manager be tasked in the first instance with investigating the issue. The concern could take the form of convictions, police information or complaints from the public.
- 5.6 The driver be invited to a formal interview to discuss the area of concern with the Licensing Enforcement and Health and Safety Manager and either the Chairman or Vice-Chairman of the Public Protection Sub-Committee. Consideration will then be given as to which of the following three courses of action is necessary and proportionate:
- i) That the issue is serious enough to require the revocation of the licence with immediate effect.
  - ii) That while there is a case to answer the issue is not urgent and can therefore be referred for consideration by the next meeting of the Public Protection Sub-Committee or a special meeting of that Sub-Committee.
  - iii) That no action be taken at present, this does not preclude further

investigation of the issue.

- 5.7 Where the Licensing Enforcement and Health and Safety Manager acts to revoke a licence, they will bring a report to the next Public Protection Sub-Committee and if approved a review of the use of this delegation will take place in 12 months' time.
- 5.8 Under the newly delegated powers, on Monday 11 September 2017, a Private Hire and Hackney Carriage driver attended a meeting with the Licensing and Health and Safety Manager and the Chairman of the Sub-Committee who introduced the purpose for the meeting and highlighted the potential outcomes. During the meeting it emerged that the driver had been involved in an incident following a complaint received by a member of the public.

During the formal interview, it emerged that the driver had been found to have behaved inappropriately. The driver admitted to having acted irresponsibly and the Head of Licensing Service felt that action should be taken to deter similar incidents from occurring in the future.

In addition, Mr Marshall reported at the 10 October 2017 meeting that another driver, M.P. K, was interviewed on 6 September 2017 and he agreed that an update would be provided on the outcome. However, to clarify, this case was actually dealt with at the 12 September 2017 Sub-Committee meeting.

- 5.9 The Sub-Committee is asked to note the subsequent decision taken on 11 September 2017 to issue a written warning in relation to the Hackney Carriage and Private Hire Vehicle driver's licence , in respect of the following case:

M.L.R (Existing Hackney Carriage and Private Hire driver)

- 5.10 Does the information submitted include any exempt information? Yes

**6.0 Legal considerations:**

- 6.1 None.

**7.0 Human Resources considerations:**

- 7.1 None.

**8.0 Equalities considerations:**

- 8.1 None.

**9.0 Financial considerations:**

9.1 None.

**10.0 Risk management considerations:**

10.1 None.

**11.0 Ethical considerations:**

11.1 None.

**12.0 Internal/ External Consultation undertaken:**

12.1 None.

**13.0 Background papers:**

13.1 None.