

Report to:

PUBLIC PROTECTION SUB-COMMITTEE

Relevant Officer:

Tim Coglan, Head of Public Protection

Date of Meeting:

25 May 2021

USE OF DELEGATION OF POWERS - REVOCATION OF PRIVATE HIRE DRIVER'S LICENCE

1.0 Purpose of the report:

1.1 To highlight to the Sub-Committee the use of delegated powers to revoke a Private Hire Driver's Licence following consultation with the Chairman.

2.0 Recommendation(s):

2.1 To note the use of delegated powers on behalf of the Trading Standards and Licensing Manager in the period since the last Sub-Committee meeting on 27 April 2021 contained at section 6.8.

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.

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

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

4.0 Other alternative options to be considered:

4.1 None, for information only.

5.0 Council priority:

5.1 The relevant Council priority is

- "The economy: Maximising growth and opportunity across Blackpool"

6.0 Background information

6.1 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.

- 6.2 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."
- 6.3 It was agreed that due to changes in the officer structure that the power be allocated to the Trading Standards and Licensing Manager. Due to the absence on sickness of the postholder, he has appointed his immediate superior the Head of Public Protection to undertake this role on a pro-tem basis.
- 6.4 It was agreed therefore that the procedure work as follows:
- 6.5 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 Trading Standards and Licensing Manager or his representative 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.
- 6.6 The driver be invited to a formal interview to discuss the area of concern with the Trading Standards and Licensing Manager (in this case the driver was interviewed by the Licensing Enforcement Officer due to the absence of the Trading Standards and Licensing Manager) and either the Chairman or Vice-Chairman of the Public Protection Sub-Committee (in this case the Chairman). 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.
- 6.7 Where the Trading Standards and Licensing Manager or his representative acts to revoke a licence, they will bring a report to the next Public Protection Sub-Committee.

6.8 On 2 May 2021, a Private Hire driver had been involved in conduct that was deemed to fall well short of the standards expected of a licensed driver.

The Sub-Committee is asked to note the decision taken using delegated powers on 14 May 2021 to revoke with immediate effect, the Private Hire driver's licence, in respect of the following case:

D.W.S (existing Private Hire driver).

6.9 Details of offences or matters causing concern and any supporting documents are attached at Appendix 6(a).

A verbal update on this case will be provided at the meeting and action taken.

6.10 Does the information submitted include any exempt information? Yes

7.0 List of Appendices:

7.1 Appendix 6(a): Notice of Revocation (not for publication)

8.0 Financial considerations:

8.1 None.

9.0 Legal considerations:

9.1 There is the right of appeal to the Magistrates' Court.

10.0 Risk management considerations:

10.1 None.

11.0 Equalities considerations:

11.1 None.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/external consultation undertaken:

13.1 None.

14.0 Background papers:

14.1 None.