

Report to:

PUBLIC PROTECTION SUB-COMMITTEE

Relevant Officer:

Lee Petrak, Trading Standards and Licensing Manager

Date of meeting:

6 September 2023

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

1.0 Purpose of the report

1.1 To highlight to the Sub-Committee the use of delegated powers to revoke Private Hire and hackney carriage driver licences following consultation with the Chairman

2.0 Recommendation(s)

2.1 To note the use of delegated powers by the Trading Standards and Licensing Manager in the period since the last Sub-Committee meeting on 18 July 2023 contained at section 6.8.

3.0 Reason 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 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, information only

5.0 Council priority

5.1 The relevant Council priority is:

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

6.0 Background and key 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 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 criminal proceeding."

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.

6.4 It was agreed therefore that the procedure works 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 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 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

6.7 Where the Trading Standards and Licensing Manager acts to revoke a licence, they will bring a report to the next Public Protection Sub-Committee.

6.8 On 14 June 2023, a Private Hire driver had been involved in an incident that placed

members of the public at serious risk of harm.

D.C.H (existing Private Hire and Hackney Carriage Driver).

- 6.9 Details of offences or matters causing concern and any supporting documents are attached at Appendix 4(a).

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

- 6.10 The Licensing Service received evidence that between the 11 June 2023 and 27 July 2023, a Private Hire Driver had been involved in series of incidents that placed members of the public at serious risk of harm.

H.A (existing Private Hire Driver).

- 6.11 Details of offences or matters causing concern and any supporting documents are attached at Appendix 4(b).

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

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

7.0 List of appendices

7.1 Appendix 4(a): Notice of Revocation (not for publication)

7.2 Appendix 4(b): Notice of Revocation (not for publication)

8.0 Financial considerations

8.1 None

9.0 Legal considerations

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

10.0 Risk management considerations

10.1 None

11.0 Equalities considerations and the impact of this decision for our children and young people

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