

Planning and Public Protection Service

Name of Policy / Procedure / Protocol / Plan:

Procedure for the Suspension/Revocation of a Hackney Carriage and Private Hire Driver Licence

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Date agreed and implemented:	Agreed: 12 th June 2013 Implemented: 1 st August 2013
Agreed by:	Licensing Committee
Frequency of Review:	Annual
Review date:	May/June 2014
Equality Impact Assessment completed: (date)	N/A
Member involvement (if any)	Licensing Committee
Internal or Public Domain:	Public Domain
Head of Service Approval: (signature & date)	22 nd May 2013

VERSION CONTROL:

Reference:	Status:	Authorised by:	Date:
V01	Final	Licensing Committee	12.06.13

1. Purpose

To ensure consistency of administering and enforcing the Hackney Carriage and Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers to follow when information/complaints have been received from interested parties on alleged conduct/inappropriate behaviour of an existing licensed driver and to ensure that legislation is adhered to.

2. Related Documents

Town Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976
Blue Book (Conditions and Policy)
Flowcharts Attached

3. Officer Delegations

The Local Government (Miscellaneous Provisions) Act 1976 section 61 gives the Local Authority powers to suspend or revoke private hire or hackney carriage driver's licence.

The Licensing Committee have delegated the function of suspension and revocation to the Head of Service.

The Head of Service has delegated the suspension to Senior Officers.

The Head of Service has delegated the option of revocation to the Public Protection Manager along with the Chair or Vice Chair of Licensing. In the absence of the Public Protection Manager the Head of Service has delegated this function to the Head of Legal and Democratic Services in consultation with Chair or Vice Chair of Licensing.

FUNCTION	OFFICER
Suspension of driver licence	Head of Service or Public Protection Manager or Senior Community Safety Enforcement Officer or Senior Licensing Officer
Immediate Revocation of licence	Head of Service or Public Protection Manager along with Chair of Licensing (Vice Chair in the Chair's absence) or Head of Legal and Democratic Services along with Chair of Licensing (Vice Chair in the Chair's absence)

4. Legislation

Section 61 of the LGMPA 76 give a local authority powers to suspend or revoke a drivers' licence issued under section 51 of the LGMPA 76 or

section 46 of the Town Police Clauses Act 1847, or refuse to renew a drivers' licence 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 the LGMPA 76; or
- b) any other reasonable cause.

5. PROCESS

- i) Information is received from partners/interested parties on conduct of existing driver or conviction as detailed in section 4 above.
- ii) If the allegation is a Child Protection/Vulnerable Adult concern then pass the details onto First Contact Team immediately who will carry out their own investigations and make a decision on whether a Part IV meeting will take place.
- iii) For all allegations eg public safety/fit and proper/child protection/vulnerable adults, then the details are to be passed onto Enforcement Team to log on to Complaints database.
- iv) Enforcement Officer to gather evidence and consult with the Senior Enforcement Officer when all evidence is present
- v) Is further action required? If no then update house file otherwise proceed to next step
- vi) If further action is required, and the matter requires immediate action on a public safety issue then Enforcement Officer to consult with Legal Team and if there is sufficient evidence then the licence must be revoked
- vii) EO to prepare a revocation letter for Head of Service/Public Protection Manager to sign and issue to driver.
- viii) Inform School Transport and Social Services Contracts that driver licence has been revoked – right of appeal to driver
- ix) EO to notify complainant/partner of action taken
- x) If immediate action is not required, then officers to consider the evidence and if matter warrants a suspension then SLO to issue suspension notice

6. Decisions

Officers will take the appropriate action under the scheme of delegation. An email will be sent to Licensing Committee Members to inform them of what actions Officers have taken.

7. Right of Appeal

A person aggrieved by the Council's decision has rights of appeal to the Magistrates Court.

8. Review of Procedure

This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.