

Committee: LICENSING

Agenda Item

Date: 8 September 2010

8

Title: PROTOCOL ON THE SUSPENSION,
REVOCATION OR REFUSAL TO RENEW A
HACKNEY CARRIAGE/PRIVATE HIRE
VEHICLE DRIVER'S LICENCE

Author: Michael Perry, Assistant Chief Executive,
01799 510416

Item for decision

Summary

1. Once a driver has been granted a licence to drive either a hackney carriage or private hire vehicle, such licence (under the council's procedures) lasts for a period of one year. However, in certain circumstances at the end of that period the local authority may refuse to renew the licence or during the period of the licence it may be suspended or revoked.
2. At its meeting on the 9 June 2010 this committee resolved to request officers to develop a protocol/policy regarding the exercise of delegated powers.
3. The reason behind the motion was to improve transparency in dealings with members of the hackney carriage/private hire trade. Although the motion was specifically aimed at delegated powers, there will be occasions where a decision to refuse to renew, suspend or revoke will be taken by the committee. I have therefore expanded the draft protocol to cover all cases of disciplinary action against drivers.

Recommendations

4. That members consider the draft protocol and approve the same subject to such amendments as the committee consider appropriate.

Financial Implications

5. None. There are no costs associated with the recommendations.

Background Papers

6. None.

Impact

- 7.

Communication/Consultation	If approved it is intended that the protocol should be publicised in Taxi Chat and also placed upon the council's licensing page on
----------------------------	---

	its website.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	When dealing with an existing licence (but not an application for a new licence) Article 1 First Protocol to the European Convention on Human Rights entitles everyone to the peaceful enjoyment of their possessions. Interference with that right is justifiable if in the public good. It is considered that the licensing regime falls within that exception and that the suspension, revocation or refusing to renew a licence where justified on the facts is Human Rights Act compliant.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

8. In accordance with the resolution of the Committee I append at Appendix I a Protocol dealing with suspension, revocation and non-renewals of drivers' licences.

Risk Analysis

9. Any risks arise from dealing with individual cases as opposed to a Protocol for the application of the legislation.