

REPORT TO	DATE OF MEETING
GENERAL LICENSING COMMITTEE	24th November 2015

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SUBJECT	PORTFOLIO	AUTHOR	ITEM
Re-instatement procedure following action under section 61(b) of the LG(MP)A 76	Regeneration and Leisure	Niky Barrett	

SUMMARY AND LINK TO CORPORATE PRIORITIES

A report to consider introducing a re-instatement procedure for Hackney Carriage or Private Hire Driver's, in certain circumstances.

RECOMMENDATIONS

That Committee agree to the introduction of a re-instatement application procedure.

DETAILS AND REASONING

It has been common practice among many Licensing Authorities, including South Ribble Borough Council to utilise the powers provided by Section 61(b) to suspend Hackney Carriage and Private Hire driver's licences to enable an investigation to be undertaken into alleged misconduct, before considering revocation of the licence at the conclusion of the criminal or civil investigation.

Case law introduced by R (Singh) v Cardiff City Council [2012] EWHC 1852 (Admin), raised a number of issues with this approach, as the judge held that a Council should not suspend a taxi driver's licence as an interim measure whilst waiting for an outcome. He added that a suspension should be used as a final decision based on the facts at the time and it could be used as a lesser sanction to revocation.

One of the primary obligations of the Licensing Authority is to protect the public. To this end the Council works closely with a number of key partner agencies and will from time to time, receive information from partners, including the Police about licensed drivers.

Where this information is so serious as to satisfy the Licensing Authority that the individual is no longer fit and proper to hold a licence, it must consider revoking the licence. The information may be, for example, that a driver has been arrested and bailed for a violent or sexual offence or an offence of dishonesty or one involving the supply or use of illegal drugs.

Should the allegations subsequently be found to be unproven the Council will accept an written request from the driver for the re-instatement of their licence. This re-application process will not attract a fee, but the grant will still be subject to the Licensing Authority being satisfied that the driver is fit and proper. To this end information may be exchanged with other agencies as to the extent, if any, of supporting evidence found during the primary investigation.

If successful the Hackney Carriage or Private Hire Driver licence will be re-instated for the number of days that were left on their original licence.

Where a licence expires during the period of revocation, the driver will be eligible to apply for a new licence as though they had not had a licence revoked and so not have to wait for 12 months before making their application, in line with the Council's policy on convictions etc. This application will attract the relevant fee.

WIDER IMPLICATIONS

None

FINANCIAL	Where an existing licence has been revoked and it is reinstated at a later date, no fee in respect of the cost of reinstatement will be charged. There are no other financial implications.
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LEGAL	The initial action under LG (MP) A '76 may be challenged by appeal to the Magistrates Court, however by adopting the proposed approach to re-licensing drivers, the Council would demonstrate that it is providing a balance between safeguarding the public whilst recognising that false allegations against licensed drivers may happen.
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RISK	
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THE IMPACT ON EQUALITY	None
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OTHER (see below)	
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<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>