

Protocol for making Emergency Decisions under Standing Order 38 – Licensing Service

The Licensing Service issues licences to drivers/operators if they are deemed to be a “fit and proper” person. However, there may be instances, whereby the council are provided with information from partners, in relation to convictions, investigations or other soft intelligence, which would suggest that the individual may no longer be a fit and proper person.

In those circumstances, the licensing service has to act quickly and the service should instigate their own investigation. This should include, the obtaining of all relevant documentation from partners, interviewing the driver and investigating all other reasonable lines of enquiry.

Once the officer has completed their investigation, and it is deemed that the individual is no longer a fit and proper person and a decision needs to be made urgently, then a panel will be convened to make a decision as to whether any action needs to be taken. The possible action which could be taken is suspension, or revocation of licence or the panel may decide that further information is required.

The panel shall consist of:-

Director of Licensing/Chief Executive

Chair/Vice Chair of Licensing

Licensing Manager

Relevant Licensing Officer

Legal Officer

The Licensing Officer shall bring his investigation file to the panel and will present the case. The other members of the panel will have an opportunity to ask questions. The Standing Order 38 decision will be made by the Director of Licensing/Chief Executive in consultation with the Chair/Vice Chair of Licensing.

Checklist for making Emergency Decisions -Standing Order 38– Licensing Service

| Action | Y/N | Comments |
|--|------------|-----------------|
| Does the panel have access to the investigation file? | | |
| Has the driver been provided with an opportunity to make his case? If so, how? | | |
| Has legal advice been provided? | | |
| Is the panel satisfied that it has sufficient information to reach a decision? | | |
| Is the driver still deemed a fit and proper person? | | |

**RECORD OF STANDING ORDER 38 DELEGATION
OF URGENT DECISION BETWEEN MEETINGS OF
THE CABINET OR A COMMITTEE BY THE CHIEF
EXECUTIVE (DELEGATED IF UNAVAILABLE) IN
CONSULTATION WITH PORTFOLIO
HOLDER/COMMITTEE CHAIRMAN**



| | |
|-----------------------------------|-----------------------------|
| SMT Member: | Director of Licensing |
| Service Group: | |
| Portfolio Holder/Chairman: | Cllr |
| Portfolio/Committee: | General Licensing Committee |

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|-----------------|---------------------------------------|
| Subject: | Revocation/Suspension of Taxi Licence |
|-----------------|---------------------------------------|

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|------------------|-----------------|
| Decision: | SO38 To..... |
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| Details and Reasoning: | |
|-------------------------------|--|

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| Wider Implications (including Financial, Legal, Equality and Risk): | |
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|-------------------------|-----|
| Report attached? | Yes |
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Exempt from publication?

Yes

If exempt, give reason(s):

Information relating to an individual

Signed:

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| |
| Date: |

SMT Member

| |
|--------------|
| |
| Date: |

Portfolio
Holder/
Chairman

**THIS DECISION WILL COME INTO FORCE IMMEDIATELY IN ACCORDANCE
WITH THE COUNCIL'S CONSTITUTION**