

Taxis Committee – 9th September 2009

Report of the Interim Director of Law Property and Human Resources

Immediate Suspension of Private Hire Drivers who are convicted of the Offence of Plying for Hire

Purpose of Report

1. For the Committee to consider whether Officers should immediately suspend private hire driver's licences, immediately following conviction of plying for hire on two occasions.

Background

2. The current practice in relation to a private hire driver, who has been convicted of plying for hire, is that they are referred to the Taxis Committee for review of licence.
3. The Committee Guidelines state a starting point of immediate revocation of the private hire and/or a hackney carriage driver's licence(s), which ever is applicable, when a driver has been convicted twice of plying for hire.
4. The date of conviction and the date of a Taxis Committee meeting determine when a driver actually appears before the Committee. This can be as long as eight to ten weeks after conviction. The consequent effect of this process is that he is allowed to transport the public in the interim period between conviction and consideration of his case by Members.
5. The imposition of an immediate revocation/suspension of a private hire and/or a hackney carriage driver's licence(s) can only be imposed if the Council consider that it is in the interests of public safety.

6. Given the above grounds for the immediate suspension/revocation of a private hire /hackney carriage driver's licence it therefore, follows that the interests of public safety are not served by allowing a convicted driver to convey the public, for an interim period before attendance at the Taxis Committee.
7. Of course, each case is decided on its merits and any period of suspension, imposed by authorised officers, in the interim period between conviction and appearance before the committee may be taken into account, by the Committee, when considering the case..
8. This proposed change in policy has been taken to the Taxi Focus Group meeting of the 1st September and a verbal update of their observations will be given at this meeting by the Licensing Officer.
9. This application falls within the Council's responsibility for Taxi and Private Hire Licensing, which has a direct link to the Council's key corporate priority that safety matters.

Finance

10. There are no financial implications to the Council in relation to this proposal.

Law

11. In pursuance of Section 61(2B) of the Local Government (Miscellaneous) Provisions Act 1976 if it appears that the interests of public safety require the suspension or revocation of a private hire and/or a hackney carriage driver's licence to have immediate effect, and the correct notice is given to the driver of the reasons why, the suspension or revocation takes effect when the notice is given to the driver.

Equality Impact

12. This report takes into account the Council's policy on equal opportunities.
13. The licensing of Private Hire and Hackney Carriage vehicles and drivers will impact on children and young people through their transportation in licensed vehicles.
14. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

15. That the Committee consider whether authorised Officers should issue an immediate suspension of licence to any driver immediately following a second conviction for the offence of plying for hire.

A handwritten signature in black ink, appearing to be 'P. J. Elliott', written in a cursive style.

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INTERIM DIRECTOR OF LAW PROPERTY AND HUMAN RESOURCES

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List of Background Papers