

<b>Report to</b>	Licensing committee 9 June 2016	<b>Item</b>
<b>Report of</b>	Head of citywide services HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES:	<b>7</b>
<b>Subject</b>	Consideration of criminal conduct, improper behaviour and complaints relating to existing licence holders and new applicants	

### **Purpose**

For members to consider a minor alteration to the policy with regard to the councils' consideration of criminal convictions and allegations, improper behaviour and complaints relating to licensed hackney carriage and private hire drivers.

### **Recommendation**

That members resolve to include the minor alteration as detailed in the report.

### **Corporate and service priorities**

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

**Financial implications:** None

**Ward/s:** All wards

**Cabinet member:** Councillor Kendrick – Neighbourhoods and community safety

**Contact officers:** Tony Shearman, licensing manager      01603 212761

**Background documents:** None

## **1.0 Report**

- 1.1 At the last Licensing committee meeting, 10 March 2016, members agreed to introduce the policy as attached at appendix A.
- 1.2 Section 21 of the policy sets out the circumstances whereby an officer of the council, of at least Head of Service level, may suspend a hackney carriage or private hire drivers licence in the interests of public safety.
- 1.3 In the past, interim suspension of such a licence has been considered an appropriate method of ensuring public safety is maintained, whilst a formal outcome is awaited, where serious allegations are concerned.
- 1.4 As a result of a court case, R-Singh-v-Cardiff-City-Council-2012-EWHC-1852-Admin – copy attached at appendix B, and advice from our legal advisors, interim suspension of a licence, pending the outcome of an investigation or court case, may not be option available to the local authority. This is due to the courts' opinion that any suspension is considered a final outcome of the consideration of a case, rather than an interim measure, as detailed in para. 103 of the decision.
- 1.5 Therefore, in order for the Head of Service to be able to deal appropriately with allegations of a serious nature against a licensed driver, consideration would need to be given as to whether a licence revocation would be necessary, taking into account the full details available at the time.
- 1.6 As the current policy only caters for the Head of Service to suspend a licence, it is recommended that section 21 is amended to include the words 'or revoked' as set out below:-

### **'21. Suspensions / Revocations**

A licence may be suspended or revoked by an Officer of the Council, of at least Head of Service level, with immediate effect, in the interest of public safety .....

## **2.0 Options**

The Committee may

- Grant the policy update as requested
- Refuse to grant the policy update requested
- Amend the policy update as they see fit.