

Council – 5th December 2017
Recommendation from Cabinet
Member for Policing and
Equalities
26 October 2017

Coventry City Council
Minutes of the Meeting of Cabinet Member for Policing and Equalities
held at 3.00 pm on Thursday, 26 October 2017

Present:

Members: Councillor A Khan

Employees (by Directorate):

People B Barrett, , G Haynes, H Shankster

Place G Carter, L Knight, L Stockin

Apologies: Councillor P Akhtar and A Andrews

RECOMMENDATION

10. Proposed Amendment to the Constitution: Revocation of Hackney Carriage and Private Hire Driver's Licences

The Cabinet Member considered a report of the Director of Finance and Corporate Services, which set out proposals for changes to the Hackney Carriage and Private Hire Licensing Scheme of Delegation, which forms part of Part 2M of Constitution to permit officers to revoke drivers' licences where public safety required it.

Under the current Scheme of Delegation, the Deputy Chief Executive (Place) and the Senior Licensing and Enforcement Officer have delegated powers to suspend a hackney carriage or private hire driver's licence where it was necessary that immediate steps be taken in the interests of public safety. Any such decisions were taken in consultation with the Chair of the Licensing and Regulatory Committee (or in his/her absence the Deputy Chair or in the absence of either, the City Solicitor). This provision had been used by officers to suspend a driver following allegations of impropriety or criminal behaviour and pending the Committee's decision on whether to revoke the licence.

However, case law had confirmed that the power to suspend a licence under Section 61 of the Local Government (Miscellaneous) Provisions 1976 was a final decision on the question of a person's fitness and propriety. It could not be used as an interim measure pending further investigations into a driver's conduct.

This meant that if officers believe that an allegation is so serious that the driver should not be allowed to drive pending an investigation, they could not suspend the licence. The only options were:-

- (a) To allow the driver to continue to drive pending the matter coming to Committee, which could be some time; or
- (b) Delegate power to officers to revoke a licence where public safety requires it. The driver would still have a right of appeal.

It was therefore proposed that the Hackney Carriage and Private Hire Licensing Scheme of Delegation be changed to permit officers to revoke drivers licenses where public safety required it.

The Cabinet Member noted that the proposed change had been considered by the Constitutional Advisory Panel at its meeting on 9th October 2017. The Panel recommended that the Cabinet Member approve the changes.

It was further noted that powers were delegated to officers under the licensing scheme of delegation by the Licensing and Regulatory Committee and that a report would be going to the next meeting of the Committee to ask it to agree the change. It was therefore recommended that the Cabinet Member approve the change, subject to the agreement of the Licensing and Regulatory Committee.

The Cabinet Member agreed to:-

1. Approve the proposed change to the Hackney Carriage and Private Hire Licensing Scheme Delegation, subject to the agreement of the Licensing and Regulatory Committee.
2. Recommend to the Licensing and Regulatory Committee that it approves the change in the Hackney Carriage and Private Hire Licensing Scheme of Delegation.

RESOLVED that the Cabinet Member for Policing and Equalities recommend to Council that they agree to its being included in the Constitution.