

Item 7 Hackney Carriage and Private Hire Vehicle licence suspensions, revocations and refusals

Report of the Head of Administration (Portfolio: Corporate)

Recommended:

That the Head of Administration retain the right to suspend, revoke and refuse applications for hackney carriage and private hire vehicle, driver and operator licences subject to suspensions and revocations being reported to the Licensing Committee in public and refusals being reported in confidence.

SUMMARY:

- The Head of Administration has delegated powers to suspend, revoke or refuse licences and such instances are reported to this Committee.
- Members have queried the current policy of reporting such instances anonymously. This report suggests a revision of the current policy.

1 Introduction

- 1.1 Hackney Carriage and Private Hire Vehicle Licences and applications can, under the scheme of delegation, be revoked, suspended or refused by the Head of Administration. When a revocation, suspension or refusal is made then this is reported to the Licensing Committee.

2 Background

- 2.1 At the Licensing Committee meeting of 21 June 2011 the Committee received a report advising of the revocation of a Private Hire Driver's Licence. After the meeting a number of members queried the policy of anonymously reporting such matters. Members commented that as licensing is undertaken for the protection of the public, it must be in the public interest to make people aware of the name of any person against whom the Borough Council has taken action.

3 Corporate Objectives and Priorities

- 3.1 Hackney Carriage and Private Hire licensing falls within the broader remit of community safety. In deciding whether to grant a licence, the overriding consideration will be the protection of the public.

As drivers are employed in a position of trust and may often carry unaccompanied passengers, the Council's policy is that applicants with certain criminal convictions will normally have their application refused or if already licensed, the licence will be suspended or revoked.

4 Consultations/Communications

- 4.1 Officers have consulted colleagues in other Hampshire district and unitary authorities and there was no consensus of opinion on the matter.

5 Options

- 5.1 The options are to retain the current position and report anonymously, include names and report publicly or include names but in a confidential, i.e. non-public, report.

6 Option Appraisal

- 6.1 As members have queried the current position of reporting anonymously then it would seem inappropriate to continue with this policy. From discussions with members it would seem that reporting publicly with inclusion of the licensee/applicant name is the preferred option. However, the Head of Legal and Democratic has made the point that refusals should either continue to be reported anonymously or, if members are desirous to know the name of the person concerned, be included in a confidential report. The reason being that these will be people who have not previously held a licence from the Council and thus there can be no justification in their identity and reason for refusal being known.

7 Resource Implications

- 7.1 There are no resource implications as a result of the recommended option.

8 Equality Issues

- 8.1 An Equalities Impact Assessment was undertaken when the Council's policy regarding criminal convictions was first adopted in 2007.

9 Other Issues

- 9.1 Community Safety – none specific although see 3.1 above.
- 9.2 Environmental Health/Sustainability Issues – none specific.
- 9.3 Property Issues – none specific.
- 9.4 Wards/Communities Affected – none specific although potentially the whole Borough.

10 Conclusion

- 10.1 From time to time it is necessary for the Head of Administration to suspend or revoke a licence or refuse an application. The current policy of reporting these matters has been questioned by members of the Licensing Committee and thus it is proposed that in future such matters will not be reported anonymously, albeit refusals will be included in a confidential report.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	Nil		
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