

## **REGULATORY COMMITTEE – 2 May 2019**

### **REPORT OF THE EXECUTIVE DIRECTOR OF NEIGHBOURHOODS**

#### **DELEGATION OF POWER**

##### **1.0 PURPOSE OF REPORT**

- 1.1** The purpose of this report is to seek the delegation of a power to suspend or revoke with immediate effect a licence to drive either a hackney carriage or private hire vehicles.

##### **2.0 DESCRIPTION OF DECISION (RECOMMENDATIONS)**

- 2.1** The Committee is requested to consider delegating to the Executive Director Neighbourhoods the power to suspend or revoke with immediate effect a licence to drive either a hackney carriage or a private hire vehicle. In such cases, where possible the Chair of the Regulatory should be consulted and advised of the decision.

##### **3.0 INTRODUCTION/BACKGROUND**

- 3.1** Presently the power to suspend or revoke a licence to drive either a licence to drive a hackney carriage or private hire vehicle lies with the Regulatory Committee. There is no delegation to an officer to enable a driver's licence to be suspended or revoked with immediate effect. The consequence is that this could result in a driver who posed an immediate risk to public safety being able to continue to drive until a Committee meeting could be called in compliance with the required notice period.
- 3.2** Section (2) (2B) of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states If it appears that the interest of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to him under subsection (2) (a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

##### **4.0 CURRENT POSITION**

- 4.1** In order to consider the suspension or revocation of either a licence to drive a hackney carriage or private hire vehicle, the matter must currently be considered by the Regulatory Committee. Occasionally the matters requiring such consideration would appear to meet the requirements paragraph 3.2 above regarding immediate suspension or revocation. The existing position regarding suspension and revocation of driver's licences is that the decision will not take effect until the end of the 21-day appeal period which starts on the day the notice is given. If an appeal is lodged during that period, the driver can continue to operate until the subsequent decision of the Magistrates in the appeal hearing.
- 4.2** Legislation requires a minimum period of five working days from the publication of the agenda to the date of the committee meeting. This requirement delays consideration of the suspension or revocation of either of the aforementioned

licences where circumstances would appear to require immediate consideration. The delegation if agreed to would close this loophole and protect the public.

## **5.0 ALTERNATIVE OPTIONS**

**5.1** None submitted.

## **6.0 RELEVANT CONSIDERATIONS/CONSULTATION**

**6.1** None submitted.

## **7.0 GLOSSARY**

**7.1** None.

## **8.0 LIST OF APPENDICES**

**8.1** None.

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## **9.0 BACKGROUND PAPERS**

**9.1** None.