

Licensing Sub Committee – Revocation of taxi driver licences on the basis of minor motoring convictions

Date: 1st August 2023

Report of: Chief Officer, Elections and Regulatory

Report to: Licensing Committee

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

On 9 August 2022 Licensing Committee agreed that, for a trial period of 12 months, any decisions to revoke taxi drivers' licences on the basis of minor motoring convictions should be determined by Licensing Sub-Committee.

In the trial period there have been no cases where such decisions have been required. However, there are now a number of pending cases where revocations may need to be considered. Accordingly, Licensing Committee are requested to approve a further 12 months trial of this process.

Recommendations

- a) Licensing Committee delegate to Licensing Sub-Committee the power to determine the potential revocation of taxi and private hire drivers' licences on grounds of minor motoring convictions.
- b) The delegation of this power be reviewed after a period of 12 months.

What is this report about?

- 1 On 9th August 2022 Licensing Committee considered a series of policy considerations in relation to the suitability of taxi and private hire drivers who receive convictions for minor motoring offences. In this context convictions include fixed penalties / licence endorsements in addition to convictions in criminal courts.
- 2 At that meeting the Committee made a series of policy recommendations to Executive Board which were subsequently approved. This included guidance that revocation of a driver's licence would be appropriate when they have reached 9 penalty points on their DVLA licence and have previously attended training in this regard.
- 3 As part of the Committee's decision members concluded that for a trial period of 12 months any licences subject to potential revocation relating to minor motoring offences be referred to the Licensing Committee or one of its sub committees for determination, to be reviewed by the Licensing Committee after 12 months.
- 4 The benefit of this approach is that the involvement of members in making these decisions may improve confidence of the trade in how the new policy criteria will be applied.
- 5 In order for this proposal to function efficiently and effectively the referral of potential revocations will be to Licensing Sub-Committee which already deals with hearings of other licensing matters.
- 6 During the subsequent 12 month period there have been no suitable cases for consideration by the Sub-Committee and so in practice the trial has not commenced. However there are now a number of qualifying cases being dealt with by Taxi & Private Hire Licensing officers where potential revocation may soon have to be considered.
- 7 It is therefore judged appropriate to have a further 12-month trial period of this approach to making such decisions.

What impact will this proposal have?

- 8 The proposal will first and foremost help to encourage confidence in the new policy among members of the taxi and private hire trade. The policy development process was contentious and confidence among the trade was demonstrably low. It is believed that the involvement of members in these decisions, for a trial period at least, may help alleviate that lack of confidence.
- 9 The proposal is for the Sub-Committee to consider potential revocations based on written representations only, i.e. officer reports and representations from the licence holder in the form of written representations and/or a written record of information disclosed by the licence holder when interviewed by officers.
- 10 This approach mirrors the existing procedure for officer-made decisions. Consequently, the proposal is not expected to have any impact in relation to any protected characteristics or other equalities grounds in comparison to the previous process.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 11 The licensing regime aligns with the council's priorities for Health and Wellbeing insofar that its primary focus is on public and passenger safety.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted? Yes No

12 There was extensive consultation around policy development in 2022, the results of which were presented to members in August last year. As there has been no opportunity to implement the previously agreed procedure there has been no opportunity for additional engagement to gauge its impact.

What are the resource implications?

13 There are some implications in respect of officer time in setting up Licensing Sub-Committee hearings and training members. However, given the regularity with which they already meet this is likely to be limited in its impact.

14 Taxi & Private Hire Licensing officer time will be required in putting together reports for members to consider. However this will only be a slight increase on the requirements currently in place for officer-made decisions and should be manageable if numbers of qualifying cases remain low. All resource implications will be met from existing budgets.

What are the key risks and how are they being managed?

15 There are no risks associated with this proposal. The only risks are those that already apply to officer-made decisions, such as the risk of a successful appeal to the courts against a decision made by the authority. These will be mitigated by ensuring all members participating in such decisions have received appropriate training.

What are the legal implications?

16 In accordance with the Council's Constitution the Licensing Committee can delegate various licensing functions to either Sub-Committees or officers, within statutory limitations.

17 The determination of potential licence revocations on the grounds of minor motoring convictions lies squarely within the functions which can be delegated to either, therefore it is legally viable to delegate minor motoring conviction cases to the Sub-Committee while all other revocation decisions lie with officers. For the avoidance of doubt, the existing officer delegation to revoke licences on the grounds of minor motoring convictions shall not be exercised for the duration of the trial period. Enforcement action in respect of minor motoring convictions will continue to be taken by officers in accordance with the Council's policy and will only be referred to Licensing Sub-committee when revocation is considered appropriate.

Options, timescales and measuring success

What other options were considered?

18 The previous procedure, where officers make decisions to revoke licences in such cases, will be the default position at the expiry of the 12 month trial. If the recommendation to extend the trial is not approved, just as potential cases may arise for consideration, the Council will have missed the opportunity to improve confidence among the trade in the new policy on minor motoring convictions.

How will success be measured?

19 Feedback from the trade will be assessed after sufficient cases have been considered by Licensing Sub-Committee. Success will be achieved if confidence in the Council's revised policy and decision making is increased, both with the trade and with the public who can be reassured that appropriate action is taken in respect of taxi drivers who are considered a risk to public safety.

What is the timetable and who will be responsible for implementation?

20 The extended trial will begin with immediate effect. Implementation will be the responsibility of the Head of Regulatory and City Centre Services.

Appendices

- None

Background papers

- None