

Agenda Item 39

Brighton & Hove City Council

Meeting: **Licensing Committee**

Date: **19th April 2007**

Report of: **Assistant Director, Public Safety**

Subject: **Suspension or Revocation of Driver Licences under
the Road Safety Act 2006**

Ward Affected: **All**

1. Purpose of the report

That committee adopt the policy contained in 2.2 below with regard to the immediate suspension or immediate revocation of hackney carriage or private hire driver licences.

2. Recommendations

2.1 That Committee adopt the following policy with regard to the immediate suspension or immediate revocation of hackney carriage or private hire driver licences.

2.2 The Council in determining its powers of immediate suspension or immediate revocation, will consider each case according to its merits and where it is satisfied that in the interests of public safety require such a course of action; an offence is committed of such a serious nature as to warrant such action; a medical condition exists that makes it unsafe to continue working the decision will normally be to suspend or revoke with immediate effect.

3. Information/Background

From 16 March 2007 the Road Safety Act 2006 gives Local Authorities the power (discretion) to suspend or revoke hackney carriage and private hire driver licences with immediate effect, where it is of the opinion that the interests of public safety require such a course of action.

The Department of Transport has not issued any guidance on the use of this new power.

Previously all drivers that had their licence suspended or revoked were able to continue to drive for 21 days following suspension or revocation. If during the course of the 21 days the driver made application to appeal the council's decision to suspend or revoke they could continue to drive until the appeal was determined by the magistrates.

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Financial Implications

Any possible legal costs would be assessed on a case by case basis and would be funded by the Taxi licensing budget which is funded by licensing fees.

Finance Officer consulted: Alasdair Ridley

Date: 10/04/07

Legal Implications

Prior to the coming into force of section 52 of the Road Safety Act 2006 on 16 March 2007, a hackney carriage (HC) or private hire (PH) driver whose licence had been suspended or revoked had a legal right to continue working as a HC or PH driver until the 21 day period for appealing to the Magistrates' Court had expired or, where an appeal had been lodged, until the appeal had been determined. The Council now has the power to suspend or revoke a driver licence with immediate effect where it is of the opinion that the interests of public safety require such a course of action. The immediate suspension or revocation only takes effect when the decision notice is given to the driver.

Lawyer Consulted: Liz Woodley

Date: 2 April 2007

Corporate/Citywide Implications Taxi drivers are often the first point of contact for visitors to Brighton and Hove and are in a position to make a positive contribution to visitor experience and providing information visitors need.	Risk Assessment None
Sustainability Implications None	Equalities Implications None

Implications for the prevention of crime and disorder
None

Background papers
None

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