

	<b>AGENDA ITEM NO.</b>
---	------------------------

### Report Cover Sheet

<b>Name of Meeting:</b>	Regulatory Committee
<b>Date of Meeting:</b>	30 <sup>th</sup> July 2007
<b>Report Title:</b>	Changes to Section 52 of the Road Safety Act 2006 (power to suspend or revoke a hackney carriage or private hire driver's licence with immediate effect)
<b>Summary of report:</b>	To consider delegating authority for the suspension of driver's licences
<b>For Further Information Please Contact (report author):</b>	David Davies, Licensing Services Manager, Members' Services. Tel: 01926 456107. david.davies@warwickdc.gov.uk
<b>Would the recommended decision be contrary to the Policy Framework:</b>	No
<b>Would the recommended decision be contrary to the Budgetary framework:</b>	No
<b>Wards of the District directly affected by this decision:</b>	None
<b>Key Decision?</b>	No
<b>Included within the Forward Plan?</b>	No
<b>Is the report Private &amp; Confidential</b>	No
<b>Background Papers:</b>	None

### Consultation Undertaken

Below is a table of the Council's regular consultees. However not all have to be consulted on every matter and if there was no obligation to consult with a specific consultee they will be marked as n/a.

<b>Consultees</b>	<b>Yes/ No</b>	<b>Who</b>
Other Committees	n/a	
Ward Councillors	n/a	
Portfolio Holders	n/a	
Other Councillors	n/a	
Warwick District Council recognised Trades Unions	n/a	
Other Warwick District Council Service Areas	n/a	
Project partners	n/a	
Parish/Town Council	n/a	
Highways Authority	n/a	
Residents	n/a	
Citizens Panel	n/a	
Other consultees	n/a	

<b>Officer Approval</b>		
With regard to officer approval all reports must be approved by the report author's relevant director, Finance Services and Legal Services.		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Relevant Director(s)	20/6/07	Chris Elliot
Chief Executive		n/a
CMT		n/a
Section 151 Officer		n/a
Legal	20/6/07	Simon Best
Finance	20/6/07	Gary walker
<b>Final Decision?</b>		No
<b>Suggested next steps (if not final decision please set out below)</b>		

## 1. RECOMMENDATION

- 1.1 Members are asked to agree to delegation of the power to suspend or revoke a private hire or hackney carriage driver's licence when required, in extreme circumstances, to the Licensing Services Manager with the agreement of a member of the Council's Legal Team, alleviating the possible circumstance of a dangerous driver being allowed to continue driving whilst waiting for a meeting of the Regulatory Committee, and any possible appeal to the magistrates.

## 2. REASONS FOR THE RECOMMENDATION

- 2.1 Taxi and Private Hire Vehicle licensing in England and Wales is carried out by the district/borough councils and unitary authorities outside London and by Transport for London (TFL) in London. Ministers took the view that the legislative framework within which licensing authorities carry out their licensing duties contained three significant safety risks and decided that they would use the opportunity presented by the Road Safety Bill to address these risks. Section 53 (repeal of the contract exemption outside London) will come into force in January 2008, and a report in relation to this issue will be submitted to members at a later date. Section 54 applies to vehicles operating within London, and therefore it is not considered necessary to inform the members on this amendment.
- 2.2 Set out below is a description of what the risk was, that needed to be addressed, and how the law is being changed with regard to Section 52 and when this section will commence.
- 2.3 At present, a hackney carriage or private hire vehicle driver (outside London) may continue to work as a hackney carriage or private hire driver whilst appealing to the Magistrates Court against a decision by the local licensing authority to suspend or revoke his/her driver's licence.
- 2.4 Section 52 of the Road Safety Act gives licensing authorities the power to suspend or revoke a hackney carriage or private hire driver's licence **with immediate effect** where they are of the opinion that the interests of public safety require such a course of action.
- 2.5 Section 52 came into force on **16 March 2007**. This means that licensing authorities can now start to use the power in relation to decisions to suspend or revoke which are made after 16 March 2007. They could not use the power in relation to suspension or revocation decisions which were been made before that date.
- 2.6 Licensing authorities have the discretion to decide for themselves in which cases it is appropriate to use this new power
- 2.7 It is not always practical to arrange a meeting of the Regulatory Committee in a short time, thus leaving private hire or hackney carriage driver transporting members of the public after it has been discovered that it may not be safe for him to do so.
- 2.8 It is proposed that immediate suspension or revocation be delegated to the Licensing Services Manager with the agreement of the Council's Legal Services. Both officers would need to agree the necessity before action would be taken.

2.9 It is not envisaged that this delegation will be used frequently, if at all, but it is felt that it would be a useful power to be able to use in extreme circumstances.

3. **ALTERNATIVE OPTIONS CONSIDERED**

3.1 No alternatives can be considered except to leave things as they are at present

4. **BUGETARY FRAMEWORK**

4.1 This report has no budgetary considerations for the Council, except that a newspaper advertisement will be necessary if the recommendations are adopted.

5. **POLICY FRAMEWORK**

5.1 None