

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **Registration and Licensing Committee**

22nd February 2016

### **Report of the Head of Legal Services – David Michael**

#### **Matter for Decision**

**Wards Affected:** All

#### **Suspension of Hackney Carriage and Private Hire Vehicle Driver Licences - Delegated Authority**

#### **Purpose of the Report**

1. To seek approval from members to extend the scheme of delegated authority for the suspension of hackney carriage and private hire vehicle driver licences.

#### **Executive Summary**

2. This report seeks to obtain approval from members to extend the scheme of delegated authority for the suspension of hackney carriage and private hire vehicle drivers under Section 61 Local Government (Miscellaneous Provisions) Act 1976.
3. Officers have already been given delegated authority to suspend hackney carriage and private hire vehicle driver's licences with immediate effect where it is deemed necessary in the interests of public safety. This report now seeks to extend this power to enable officers to lift the suspension, where it is deemed appropriate to do so.

4. It is proposed that where a hackney carriage or private hire vehicle driver is suspended for a medical reason, officers will be given delegated authority to lift the suspension on receipt of a satisfactory medical report. The medical report must confirm that the driver meets the DVLA Group 2 Medical Standards for fitness to drive.

## **Background**

5. The suspension and revocation of hackney carriage and private hire vehicle drivers is a responsibility of this Committee.
6. Normally a decision made by this committee does not have immediate effect and the driver can continue to drive until such time as the appeal period elapses (21 days) or where an appeal is submitted, once the appeal is determined. However, where it is considered to be in the interests of public safety, then the suspension or revocation can be made effective immediately.

## **Delegated Authority**

7. In order to deal with suspension of driver licences without delay delegated authority has been given to officers to suspend and revoke hackney carriage and private hire vehicle driver licences with immediate effect, subject to consultation with our legal advisers and the Chairman or Vice Chairman of the Committee.
8. Officers are currently empowered to suspend hackney carriage and private hire vehicle driver licences in situations where a driver has a medical condition that may render him/her a risk to public safety.
9. A suspension notice prevents the driver from being able to drive a hackney carriage or private hire vehicle until that person is certified by an appropriate medical practitioner as meeting the DVLA Group 2 Medical Standards for fitness to drive.
10. When the driver is able to produce a satisfactory report certified by an appropriate medical practitioner, then there is no justification in prolonging the suspension of the driver's hackney carriage or private hire vehicle licence.
11. In order to deal with matters of this nature without delay, it is proposed that delegated authority be given to both the Head of Legal Services and

the Licensing Manager, to lift the suspension imposed on a hackney carriage or private hire vehicle driver licence, where the licence has previously been suspended for a medical reason.

12. It is further proposed that the delegated authority be subject to consultation with the legal advisor and the Chair or Vice Chair of the Committee and that the matter be reported to the Registration and Licensing Committee.

### **Equality Impact Assessment**

13. Not Applicable

### **Legal Impacts**

14. Not Applicable

### **Risk Management**

15. Not Applicable

### **Consultation**

16. There is no requirement under the constitution for external consultation on this item

### **Recommendation**

17. That delegated authority be given to both the Head of Legal Services and the Licensing Manager, to lift the suspension imposed on a hackney carriage or private hire vehicle driver licence, where the licence has previously been suspended for a medical reason.
18. That the power to lift the suspension be subject to consultation with the legal advisor and the Chair or Vice Chair of the Committee and that the matter be reported to the Registration and Licensing Committee.

### **Reasons for Proposed Decision**

19. Delegated Authority is required in order to deal efficiently with the lifting of suspended driver licences.

## **Implementation of Decision**

20. The decision is for immediate implementation

## **Appendices**

21. Not Applicable

## **List of Background Papers**

22. None

## **Officer Contact**

23. Mr. Neil Chapple - Licensing Manager  
Tel. No:- 01639 763056  
Email address: [n.chapple@npt.gov.uk](mailto:n.chapple@npt.gov.uk)