

Appendix 2

Principles to be embedded within the Environmental Services Enforcement Policy in relation to hackney carriage and private hire vehicle licensing

Every complaint received shall be investigated thoroughly and with due regard to evidential procedure.

Complaints shall be investigated on their own merits and facts and no weight shall be given to considerations of driver history.

Evidence shall be sought both in proving and disproving the alleged offence in accordance with the guidelines for the investigation of criminal cases.

In cases where there is insufficient evidence to prove the case, no further action shall be taken.

Drivers shall be notified of all complaints received against them whether proven or not. These notifications, unless proven, shall not count when determining the character of a driver in future enforcement or licensing decisions.

Where evidence of an offence can be verified the nature of the offence shall be determined and proportionate action taken in accordance with the Environmental Service Enforcement Policy 2011-2014 (Appendix 1)

Offences by drivers or proprietors concerning dishonesty, breach of trust, violence or aggression, or putting a member of the public in danger or an unsafe position, shall result in the following action:

For a first offence, a written warning.

For second or subsequent offences, or where it is deemed that the first offence is serious enough, suspension of the driver's licence for 2 days. For first offences this must be authorised by the Environmental Health and Licensing Section Head or Head of Service.

In accordance with section 61 of the Local Government (Miscellaneous Provisions) Act 1976 any suspension of a drivers licence will not take effect until 21 days after the service of the suspension notice unless there is a significant risk to public safety. Drivers have the right to appeal against suspensions by way of application to the Magistrates Court.

For offences not included in the above categories, drivers or proprietors shall receive formal written warnings. Drivers who receive repeated written warnings at such a frequency or for similar offences will be invited to attend a Case Review.

For further serious offences after a period of suspension, or where the evidence and outcomes of any individual offence or case review support such a decision, referral will be made to the Driver Standards Committee for consideration of whether the driver remains a fit and proper person to hold a licence.

A Case Review is a formal meeting, with the Section Head of Environmental Health and Licensing or the Head of Service, where all driver history will be reviewed and discussed. Outcomes of this meeting will include a review date being placed on a licence whereby any future proven offences before this date will automatically result in the Licence being considered for revocation by the Driver Standards Committee, a referral at that time to the Driver Standards Committee, or any other sanction or outcome as detailed in the Environmental Services Enforcement Policy.

The Driver Standards Committee is a panel made up of 2 Members of the Licensing Committee and one Officer of Section Head seniority or above. This committee will be convened and will consider cases where there is a question as to whether the driver remains a "fit and proper" person to hold a Licence. The Committee can take any such action as it is legally allowed to do as set out in the Enforcement Policy and if they are minded to revoke the Licence the driver has the right to appeal to the Magistrates Court. In relation to formal actions such as a prosecution or formal caution, the committee would make the recommendation for consideration by the Council's authorised officer to consider.