

DRAFT DOCUMENT - Rapid Response Procedure

Following Notification of Serious Issues Relating to Licensed Hackney Carriage / Private Hire Vehicle Driver.

Procedure

1. Notification of a serious issue to be considered under this rapid response / licence review procedure will normally only be accepted from the Police (or where appropriate from a qualified medical officer). The following list is not exhaustive or exclusive, but serious issues may include:

- Charges / investigations of allegations of rape,
- Charges / investigations of other sexual related incidents,
- Charges / investigations of violent attacks,
- Charges of a driver causing a serious motoring accidents involving loss of life or serious injury,
- Charges of dangerous driving including driving under the influence of alcohol or drugs,
- Medical related issue(s) which means the driver cannot meet the DVLA Group 2 vocational licence standard.

In order to ensure that any Police investigation is not be put in jeopardy, the hearing under this driver licence review process, will be held in confidential / private session.

2. Reports of a serious issue received from a member of the public will always be referred to the Police and be recorded by the Council. Unless it is considered appropriate on an individual case to do so, no action will be taken in respect of these reports until such time as they are verified by the Police. Less serious matters may be referred to the General Licensing Committee for determination.

3. Following receipt of serious information, relating to a licensed driver, the following steps will be followed.

4. Driver(s) will be contacted by an Officer of the Council's Licensing Section, advised of the allegation, and requested to attend a licence review meeting at the Council Offices within a period of 24 to 48 hours (excludes weekends and bank holidays) from the initial contact in order to put forward their case. The driver will be advised that the process may result in the immediate suspension or revocation of their driver licence. In addition, the driver will be advised that if they refuse to attend the review meeting the matter will be dealt with in their absence and the decision making process will not be delayed.

5. If the information relates to more than one driver each driver shall be dealt with independently of any other. Every effort will be made to contact the driver whether by telephone call, voice mail, text, home visit (always by two Council Officers and if relevant in the presence of a Police Officer) or by a combination of methods. All attempts to communicate with the driver will be documented.

6. Prior to the review hearing being held any relevant comments made by the driver in the presence of Council Officers will be documented and will be presented to the meeting.

7. If a driver refuses to attend the review hearing the matter will be dealt with in their absence and the decision making process will not be delayed.

8. The review hearing will be documented and all reasons and decisions will be recorded in writing.

9. Prior to the review hearing a Council Officer will advise the Chair and Vice Chair of the General Licensing Committee that a review hearing, under this rapid response procedure, is to take place.

10. The review hearing will be attended by the following:

- The Public Protection Service Manger (or his/her nominated representative).
- A Licensing Officer or Licensing Compliance Officer.
- A representative of the Council's Legal Services Department, if appropriate.
- The driver and any representative (e.g. legal representative) he/she may wish to accompany him/her.

11. A Licensing Officer, or Licensing Compliance Officer, shall notify the meeting of any pertinent details including details of the information received and any comments made by the driver.

12. The driver shall be given every opportunity to explain any relevant circumstances.

13. Notes will be made regarding the reason for non-attendance of any party.

14. Once the review panel have heard from all parties to the hearing, and had answers to their questions, the panel will go into private session, without the driver and his/her representative, in order for the Public Protection Service Manager to make his/her decision on status of the driver licence.

15. At the conclusion of the process, the driver will be served with a notice immediately advising him/her of the review decision – the notice will be served by the Public Protection Service Manger (or his/her nominated representative). In the case of a decision to suspend or revoke a licence the notice will indicate that the suspension or revocation has immediate effect. The notice will advise the driver of the appeal rights within 21 days of being served with the notice. The notice will also indicate the process for the driver handing in his/her driver's badge.

16. Where a driver's licence has been revoked through this procedure, a new licence application will only be considered where there has been a change of circumstances. Determination of a new application will take account of the period of the licence remaining when it was revoked and dependant on the requirements in respect of medicals, DBS and DVLA checks, etc.

16. All details pertaining to the allegation will be excluded from the public domain, and the review hearing will be held in private/confidential session, as the matter may be subject to formal legal procedures at a later stage.

17. A summary of each decision, made under this rapid response procedure, will be reported to the next available meeting of the Council's General Licensing Committee.