



**TAXI LICENSING AND APPEALS
COMMITTEE
14 March 2012**

ITEM 7

Report of the Strategic Director of
Neighbourhoods

COMPLAINANTS ATTENDANCE AT TAXI LICENSING SUB COMMITTEES

SUMMARY

- 1.1 The Licensing Team receive and investigate complaints made in relation to drivers, operators and vehicles licensed by Derby City Council, some of which may involve determination at Sub Committee and Magistrates Court.
- 1.2 In the past, statements made by the complainant have been accepted as evidence at Sub Committee but recently there has been a requirement for the complainant to attend.
- 1.3 Clarification is sought on the action to be taken when the complainant does not want to attend the Sub Committee.

RECOMMENDATION

- 2.1 To determine if complainants must be prepared to attend Sub Committee in order for the Licensing Team to accept and investigate any complaints that are made.

REASONS FOR RECOMMENDATION

- 3.1 To allow members to determine if complaints should be accepted by the Licensing Team if the complainant will not attend Sub Committee.

SUPPORTING INFORMATION

- 4.1 The Licensing Team receive and investigate complaints made in relation to drivers, operators and vehicles licensed by Derby City Council.
- 4.2 Some complaints require the driver, operator or vehicle owner to attend Sub Committee for a determination on what action they may wish to take against any licences held by these parties in relation to the complaint made. If an appeal against this decision is made, the matter could also be considered in the Magistrates Court.

- 4.3 In the past, statements made by the complainant(s) have been accepted as evidence being presented to committee and subsequently the court if an appeal is lodged against the Sub Committee's decision.
- 4.4 More recently, requests have been made that the complainant attends Sub Committee in person to confirm the information in the statement and answer any further questions.
- 4.5 Complainants have expressed concerns about having to attend Sub Committee and possibly Court and also the fact that they have to come into direct contact with the person they have raised the complaint about. In some cases, they have refused to attend.
- 4.6 Their refusal presents a potential problem in that, if the complaint is investigated and a decision is taken that the matter ought to be dealt with by the Sub Committee, no further action will be able to be taken. This could lead to the Council being criticised for not taking action against more serious complaints.
- 4.7 The court has recently made it clear that it is unlikely to favour the Council in an appeal scenario where a decision by a sub-committee panel is made on the strength of a complainant's statement, where the complainant does not attend the hearing so that the driver did not have an opportunity to question the complainant.

OTHER OPTIONS CONSIDERED

- 5.1 Not applicable

This report has been approved by the following officers:

Legal officer	Olu Idowu
Financial officer	-
Human Resources officer	-
Service Director(s)	-
Other(s)	-

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Background papers:	None

List of appendices:	Appendix 1 – Implications
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IMPLICATIONS

Financial

- 1.1 None directly arising from this report

Legal

- 2.1 As set out in the report.

Personnel

- 3.1 None.

Equalities Impact

- 4.1 The proposed changes will apply equally to all groups within the community and no particular group(s) will be disadvantaged.

Health and Safety

- 5.1 None.

Carbon commitment

- 6.1 None.

Value for money

- 7.1 None.

Corporate objectives and priorities for change

- 8.1 The proposal supports the corporate priorities to ensure the people in Derby will enjoy **good quality services that meet local needs** and **being safe and feeling safe**.