

## Appendix B

### Suspension/Revocation Process

Any decision to suspend or revoke a licence must be made in consultation with the Executive Director of Place (or proper nominated officer) and Chair or Vice-Chair of Licensing Committee as per the scheme of officer delegation. A suspension or revocation is subject to appeal at Magistrates Court; therefore, such decisions must be considered fully before being imposed.

Most suspensions would not take effect immediately as there is an automatic right to continue to drive for 21 days, as stated in the legislation.

The case of Cardiff v Singh has stopped the usual practice of many authorities of suspending with immediate effect to investigate and then take to Committee for a revocation. Leading Legal specialists state that it is an either-or decision to suspend or a decision to revoke, it cannot be one followed by the other over the same incident/investigation.

Under most circumstances the most appropriate route is for matters that may result in a suspension to go to the monthly Licensing Committee with officer recommendations.

If decisions need to be made more quickly it is open to officers to call a separate committee in between scheduled meetings. The Minimum is with 5-day notice.

In exceptional circumstances there may be a need to take immediate action, mainly limited to safeguarding issues. In these circumstances the licence holder should still be given the option to be heard. Counsel advises this should be on the same day. If the decision is that the licence holder is no longer fit and proper the correct course of action is to revoke with immediate effect. Any investigatory evidence would then be gathered in the event of an appeal.

