

# Public Document Pack



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## **LICENSING COMMITTEE (HACKNEY CARRIAGE)**

**DATE: THURSDAY 5 NOVEMBER 2009**  
**TIME: 10.00 AM**  
**PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)**

### **Members –**

Councillor Mrs Dolan, Chair.  
Councillor Drean, Vice Chair.  
Councillors Bowie, Delbridge, Rennie, Reynolds and Thompson.

***Members are invited to attend the above meeting to consider the items of business overleaf***

***Members and Officers are requested to sign the attendance list at the meeting.***

**BARRY KEEL**  
**CHIEF EXECUTIVE**

## LICENSING COMMITTEE (HACKNEY CARRIAGE)

### PART I (PUBLIC COMMITTEE)

#### AGENDA

**1. APOLOGIES**

To receive apologies for non-attendance submitted by Committee Members.

**2. DECLARATIONS OF INTEREST**

Members will be asked to make any declarations of interest in respect of items on this Agenda.

**3. MINUTES**

**(Pages 1 - 6)**

To confirm the minutes of the meetings held on 10 September 2009 and 1 October 2009.

**4. CHAIR'S URGENT BUSINESS**

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

**5. APPEAL CASES**

The Committee will be provided with the results of the judgement on appeal cases that went to Court.

**6. DELEGATED DECISION FOR THE GRANT OF A PRIVATE HIRE OPERATOR'S LICENCE**

**(Pages 7 - 8)**

A briefing note will be submitted to the committee relating to the delegated decision for the grant of a private hire operator's licence.

**7. LICENSED DRIVER REVIEW OF LICENCE STATUS FOLLOWING A MOTORING CONVICTION - D M HANNAFORD**

**(Pages 9 - 12)**

The Director for Community Services will submit a report on a licensed driver review of licence status following a motoring conviction.

**8. LICENSED DRIVER REVIEW OF DRIVER LICENCE STATUS - G JONES**

**(Pages 13 - 18)**

The Director for Community Services will submit a report on the licensed driver review of driver licence status.

## **9. EXEMPT INFORMATION**

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) 3 and 7 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

## **PART II (PRIVATE COMMITTEE)**

### **MEMBERS OF THE PUBLIC TO NOTE:**

that under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

### **10. MINUTES (CONFIDENTIAL) (E3 AND E7) (Pages 19 - 20)**

The committee will be asked to confirm the confidential minutes of the meeting held on 10 September 2009.

### **11. LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - CLL (E3 AND E7) (Pages 21 - 24)**

The Director for Community Services will submit a report on a licensed private hire driver review of licence status.

### **12. LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENCE STATUS - CVP (E3 AND E7) (Pages 25 - 28)**

The Director for Community Services will submit a report on a licensed hackney carriage driver review of licence status.

### **13. LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENCE STATUS - DRW (E3 AND E7) (Pages 29 - 32)**

The Director for Community Services will submit a report on a licensed hackney carriage driver review of licence status.

## **LUNCH 1PM - 2PM**

### **14. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - PK (E3 AND E7) (Pages 33 - 38)**

The Director for Community Services will submit a report on the application for the grant of a private hire driver's licence.

**15. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - JHH (E3 AND E7) (Pages 39 - 44)**

The Director for Community Services will submit a report the application for the grant of a private hire driver's licence.

**16. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - PAF (E3 AND E7) (Pages 45 - 50)**

The Director for Community Services will submit a report on the application for the grant of a private hire driver's licence.

**17. APPLICATION FOR THE GRANT OF A RESTRICTED PRIVATE HIRE DRIVER'S LICENCE AND A PRIVATE HIRE OPERATOR'S LICENCE - AU (E3 AND E7) (Pages 51 - 56)**

The Director for Community Services will submit a report on the application for the grant of a restricted private hire driver's licence and a private hire operator's licence.

## Licensing Committee (Hackney Carriage)

Thursday 1 October 2009

### PRESENT:

Councillor Mrs Dolan, in the Chair.

Councillors Bowie, Delbridge, Mrs Nicholson (substitute Councillor Drean) and Rennie.

Apologies for absence: Councillor Drean, Reynolds and Thompson.

The meeting started at 10.00 am and finished at 10.55 am.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### 68. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members in accordance with the code of conduct.

### 69. MINUTES

Resolved that approval of the minutes of the meeting held on 10 September 2009 be deferred to the next committee meeting.

### 70. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

### 71. APPEAL CASES

The committee was advised that there had been no new appeal cases since the last committee meeting in September.

### 72. EXEMPT INFORMATION

Resolved that under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3 and 7 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

### 73. LICENSED DRIVER - REVIEW OF PRIVATE HIRE LICENCE STATUS - LKP (E3 AND E7)

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from LKP;
- (iii) heard details of LKP's caution.

The circumstances surrounding the caution gave the committee cause for concern.

Resolved that LKP is issued with a warning which would remain on the file and be brought to the committee's attention at any future hearing.

74. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - PAF (E3 AND E7)**

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) been advised that PAF had contacted the office and explained the reason for his absence.

Resolved that PAF is invited to attend the next committee date for the application to be heard.

## Licensing Committee (Hackney Carriage)

Thursday 10 September 2009

### PRESENT:

Councillor Mrs Dolan, in the Chair.  
Councillor Thompson, Vice Chair.  
Councillors Bowie, Delbridge, Mrs Nicholson (substitute for Councillor Drean) and Reynolds.

Apology for absence: Councillor Rennie.

The meeting started at 10.00 am and finished at 5.10 pm.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### 53. DECLARATIONS OF INTEREST

In accordance with the code of conduct Councillor Bowie declared a personal interest in minute 67 and left the room for that item.

### 54. MINUTES

Resolved that the minutes of the meeting held on 20 August 2009 are confirmed as a correct record.

### 55. CHAIR'S URGENT BUSINESS

With the permission of the Chair, the Senior Environmental Health Officer (Safety, Health and Licensing) gave a brief update on the private hire airport transfer operator licenses.

(In accordance with Section 100(B)(4)(b) of the Local Government Act, 1972, the Chair brought forward the above item for urgent consideration because of the need for Members to be informed).

### 56. APPEAL CASES

The committee was informed that one case had been upheld by the Magistrates Court with the Council being awarded costs of £260.

### 57. LICENSED DRIVER REVIEW OF PRIVATE HIRE DRIVER'S LICENCE STATUS FOLLOWING A MOTORING CONVICTION

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from Mr Luker;
- (iii) heard details of Mr Luker's motoring conviction.

Resolved that no further action is taken in respect of this motoring conviction.

### 58. LICENSED DRIVER REVIEW OF PRIVATE HIRE DRIVER LICENCE STATUS FOLLOWING A MOTORING CONVICTION

The committee having -

- (i) considered the report of the Director for Community Services;
- (ii) heard from Mr Ahmed;

- (iii) heard details from Mr Ahmed, as follows –
- he had two accidents one of which was in the course of trade, the other in a personal capacity;
  - he had three matters which were dealt with by fixed penalty points including speeding and failing to comply with a red traffic light;
  - the most recent incident which resulted in a fine, costs and disqualification for seven days;
- (iv) taken into account -
- that Mr Ahmed stated that he failed to report the conviction to the licensing office for the recent offence as he assumed that as a licensing officer was aware of the conviction and he need not do anything else; also as the police, DVLA and insurance company all knew about the conviction he thought the council would find out about it;
  - paragraph 10.2 of the Council's policy;
- (v) Members were concerned that –
- (a) Mr Ahmed's actions indicated a disregard for the licence conditions and the licensing authority;
  - (b) due to Mr Ahmed's motoring record since the grant of his licence that called into question his suitability to hold a licence and showed disregard for the rules of the road and public safety.

Resolved that Mr Ahmed's licence is suspended for 7 days in respect of (a) above and that he must complete the private hire driving test within 28 days and the VRQ within 12 months as a result of (b) above.

59. **LICENSED DRIVER REVIEW OF PRIVATE HIRE DRIVER LICENCE STATUS FOLLOWING A MOTORING CONVICTION**

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from the Mr Westcott;
- (iii) heard details of Mr Westcott's motoring convictions;
- (iv) taken into account Mr Westcott's personal circumstances and the explanation provided.

The conviction for drink driving which resulted in disqualification for 16 months was a relevant offence under the Council's policy and as such raised concerns for public safety.

Resolved that Mr Westcott's licence is not revoked but is suspended for 16 months.



60. **EXEMPT INFORMATION**

Resolved that Section 100(A) (2) and (4) of the Local Government Act 1972, the press and public are excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of confidential/exempt information as defined in paragraphs 3 and 7 of Part 1 Schedule 12A of the (Local Government Access to Information) Act 1985, as amended by the Freedom of Information Act 2000.

61. **LICENSED DRIVER - REVIEW OF PRIVATE HIRE LICENCE STATUS - LKP**

The committee having -

- (i) considered the report of the Director for Community Services;
- (ii) been advised that LKP had failed to attend this meeting.

Resolved that a letter, including the updated report containing information from the police, is sent to LKP inviting him to attend the next committee meeting but failure to attend would result in the matter being considered in his absence.

62. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVERS LICENCE - PAF**

The committee having -

- (i) considered the report of the Director for Community Services;
- (ii) been advised that PAF had failed to attend this meeting.

Resolved that the licensing officer ascertain whether PAF had been invited to attend the October meeting.

63. **APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - MKLT**

The committee having -

- (i) considered the report of the Director for Community Services;
- (ii) heard from MKLT.

Resolved that the application for the hackney carriage driver's licence is granted subject to the completion of the requisite parts of the application process including the Level 2 VRQ Transporting Passengers by Taxi and Private Hire or equivalent qualification within 12 months from the date of being first licensed.

64. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - JJH**

The committee having -

- (i) considered the report of the Director for Community Services;
- (ii) heard from JJH.

Resolved that the application for the private hire driver's licence is granted subject to the completion of the requisite parts of the application process including the Level 2 VRQ Transporting Passengers by Taxi and Private Hire or equivalent qualification within 12 months from the date of being first licensed.

65. **APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - DJH**

The committee having -

- (i) considered the report of the Director for Community Services;
- (ii) heard from DJH.

Resolved that the application for the hackney carriage driver's licence is granted subject to the completion of the requisite parts of the application process including the Level 2 VRQ Transporting Passengers by Taxi and Private Hire or equivalent qualification within 12 months from the date of being first licensed.

66. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - RJJ**

The committee having -

- (i) considered the report of the Director for Community Services;
- (ii) heard from RJJ.

Resolved that the application for the private hire driver's licence is granted subject to the completion of the requisite parts of the application process including the Level 2 VRQ Transporting Passengers by Taxi and Private Hire or equivalent qualification within 12 months from the date of being first licensed.

67. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - RG**

The committee having -

- (i) considered the report of the Director for Community Services;
- (ii) heard from RG;
- (iii) heard details of RG's convictions.

Resolved that RG is not a fit and proper person to hold a private hire driver's licence.

(Councillor Bowie declared a personal interest and left the room for the above item).

*(Note: there is a confidential part to this minute)*

**Licensing Committee Hackney Carriage  
Thursday 5 November 2009**

**The following decision has been made by officers in consultation with the Chair of Licensing Committee Hackney Carriage under delegated authority since the last committee meeting for the grant of an application for Private Hire Operator's Licence**

Mr Anthony Sibley

Airport Travel

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## CITY OF PLYMOUTH

**Subject:** Licensed Driver – Review of Licence Status following Motoring Conviction

**Committee** Licensing Committee (Hackney Carriage)

**Date:** 5 November 2009

**Cabinet Member:** Councillor Brookshaw

**CMT Member:** Director for Community Services

**Author:** George Curness, Assistant Licensing Officer

**Contact:** Tel: 01752 307964  
e-mail: [george.curness@plymouth.gov.uk](mailto:george.curness@plymouth.gov.uk)

**Ref:** ERS/LIC/GC/dmh

**Part:** I

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**Executive Summary:**

Mr. Darren Michael Hannaford is a licensed Private Hire driver, having been first granted a Private Hire driver's licence by the Council on the 12 October 2005. Mr. Hannaford's present licence is due to expire on 27 July 2010. He transferred to Hackney Carriage driving on 9 November 2006, and returned to Private Hire driving on 28 July 2009.

On 28 July 2009, Mr Hannaford attended the Licensing desk to transfer to his Private Hire driver's licence, he completed an application form for this purpose which revealed a motoring conviction.

Mr Hannaford has been invited to attend this Licensing Committee in order that this matter may be considered.

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**Corporate Plan 2009-2012:**

This report links to the delivery of the corporate priorities defined in the Corporate Improvement Plan. In particular:

Improving Accessibility (Transport).

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**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land**

Not applicable.

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**Other Implications: eg. Section 17 of the Crime Disorder Act 1998 - Community Safety, Health and Safety and Risk Management, Equalities Impact Assessment, etc.**

Members should be aware that Section 17 of the Crime Disorder Act 1998 put a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

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**Recommendations and Reasons for recommended action:**

It is recommended that the Members consider this report

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**Alternative options considered and reasons for recommended action**

None.

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**Background papers:**

None.

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**Sign off:**

Fin		Leg		HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

## Report

1. Mr. Darren Michael Hannaford is a licensed Private Hire driver, having been first granted a Private Hire driver's licence by the Council on the 12 October 2005. Mr. Hannaford's present licence is due to expire on 27 July 2010. He transferred to Hackney Carriage driving on 9 November 2006, and returned to Private Hire driving on 28 July 2009.
2. On 28 July 2009, Mr Hannaford attended the Licensing desk to transfer to a Private Hire driver's licence, he completed an application form for this purpose which revealed the motoring conviction detailed below.

### **On 6 December 2007 at Plymouth Magistrates' Court**

Convicted of Using a Vehicle Uninsured Against Third Party Risks on 15 October 2007, contrary to S.143 Road Traffic Act 1988

Mr. Hannaford was sentenced to a Fine of £200 and his DVLA licence was endorsed with 6 penalty points.

3. At the time of this conviction on 6 December 2007 Mr. Hannaford was licensed as a Hackney Carriage driver and, at that time there was no condition of licence, or Byelaw requiring him to report such a conviction.
4. In submitting the application form to return to a Private Hire driver's licence on 28 July 2009 he gave details of the above conviction.
5. The actions open to Members are those contained in Section 19(1) (b) of the Plymouth City Council Act 1975 which empowers the Council to suspend, revoke or refuse to renew the licence of a driver of a Hackney Carriage or Private Hire vehicle, since the grant of a licence –

for :- ***“any other reasonable cause”***.

6. In deciding whether Mr Hannaford is fit and proper Members must have regard to the Council's Hackney Carriage and Private Hire licensing policy. The relevant parts of which are detailed below:

### **Chapter 2. – Conditions of Licence**

**Paragraph 12.3** states that when considering whether someone is fit and proper the authority will consider amongst other things

- Relevant skills
- Knowledge
- Experience
- Criminal record (as to relevance of offences see below)
- Previous history as a licence holder

**Paragraph 18.2** requires that in considering whether a person is fit and proper each case is considered on its own merits.

**Paragraph 18.3** states that the Council will take into account of cautions and convictions, whether spent or unspent, but only insofar as they are relevant to the application.

**Paragraph 18.5** says that in relation to previous convictions the authority will have regard to the following:

- Whether the convictions are spent or unspent
- The nature of the offence
- The age of the offence
- Apparent seriousness as gauged by the penalty
- The relevance of the conviction in relation to the promotion of the licensing objectives

The licensing objectives are as follows:

- 1. Safety and health of drivers and the public** - e.g. Consideration of history of convictions and actions, Driver training, qualification and performance, health and fitness to fulfill the role and Crime prevention measures.
- 2. Vehicle safety, comfort and access**
- 3. To prevent crime and disorder and to protect consumers** - e.g. commitment to work with the police and licensing authorities
- 4. To encourage environmental sustainability.**

#### **Chapter 4 – Enforcement Policy**

**Paragraph 8.1** - Allows the Council to revoke any licence where it is satisfied that the licence holder is not for example fit and proper or a breach of the condition of licence has been established.

**Paragraph 8.2** requires that when considering revocation, the committee will take into account all relevant facts and circumstances including licensing objectives, nature of the breach and any other information thought to be pertinent to the matter being considered.

**Paragraph 10.2** gives the committee the discretion to direct a driver appearing before them to complete further training or re-training should the drivers' suitability to retain a licence be called into question.

#### **Guidance on the Relevance of Convictions**

**Paragraph 2** states that a motoring conviction is a relevant offence for considering the suitability of a person to retain a licence.

**Paragraph 8** states that any driver who receives a relevant conviction within their licence period, will be referred to the Licensing Committee (Hackney Carriage) in order that the status of their licence may be reviewed.

7. Mr. Hannaford has been invited to attend this Licensing Committee in order that this matter may be considered.



**CITY OF PLYMOUTH**

**Subject:** Licensed Driver – Review of Diver Licence Status  
**Committee** Licensing Committee (Hackney Carriage)  
**Date:** 5 November 2009  
**Cabinet Member:** Councillor Brookshaw  
**CMT Member:** Director for Community Services  
**Author:** George Curness – Assistant Licensing Officer  
**Contact:** Tel: 01752 307964  
e-mail: george.curness@plymouth.gov.uk  
**Ref:** ERS/LIC/GC/gj  
**Part:** I

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**Executive Summary:**

Mr Glyn Jones is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 15 August 2008. Mr. Jones present licence is due to expire on 3 August 2012.

On 2 September 2009 a letter was received from Mr Jones stating that he had received 3 penalty points on his DVLA driver licence. On inspecting his driver file, it was noted that here was a history of driving licence endorsements which when taken together gave Officers cause for concern, in that there is sufficient evidence to suggest that his standard of driving is below that which is expected of a licensed Private Hire vehicle driver.

Mr Jones has been invited to attend this Licensing Committee in order that this matter may be considered.

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**Corporate Plan 2009-2012:**

This report links to the delivery of the corporate priorities defined in the Corporate Improvement Plan. In particular:

Improving Accessibility (Transport).

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**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land**

Not applicable.

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**Other Implications: eg. Section 17 of the Crime Disorder Act 1998 - Community Safety, Health and Safety and Risk Management, Equalities Impact Assessment, etc.**

Members should be aware that Section 17 of the Crime Disorder Act 1998 put a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

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**Recommendations and Reasons for recommended action:**

That Members of the Licensing Committee consider this report.

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**Alternative options considered and reasons for recommended action**

None.

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**Background papers:**

None.

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**Sign off:**

Fin		Leg		HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

## Report

1. Mr. Glyn Jones is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 15 August 2008. Mr. Jones present licence is due to expire on 3 August 2012.
2. On 2 September 2009 a letter was received from Mr Jones stating that he had received 3 penalty points on his DVLA driver licence. A memo of conviction was requested from South Devon Magistrates' Court on 23 September 2009 and a reply was received on 29 September 2009.

Details of this motoring conviction are given below.

### **On 27 August 2009 at Newton Abbott Magistrates' Court**

He was convicted of Speeding - Exceeding 30 Miles per hour on a restricted road – manned equipment. On 17 November 2008 at Paignton in the County of Devon, drove a motor vehicle namely a Skoda Superb Classic index number DE57YRA on a restricted road, namely A385 Collaton St Mary, at a speed exceeding 30 miles per hour.

Contrary to S.81(1) and 89(1) of the Road Traffic Regulations Act 1984 and Schedule 2 to the Road Traffic Offenders Act 1988.

Mr Jones was fined £75 and ordered to pay costs of £15, his DVLA licence was endorsed with 3 penalty points.

In ordinary circumstances, Mr Jones would have been subject to a driving disqualification under the "totting up" procedure. However no disqualification was imposed for the following special reasons –

- Mr Jones would lose his job
- His wife has a medical condition
- He would lose his Taxi drivers badge and lose house as a result
- His family rely entirely on the defendant.

An inspection of Mr Jones' DVLA driver licence revealed the following endorsements received by means of Fixed Penalty notices –

On 07 September 2008 - Exceeded the Statutory Speed Limit on a public Road

On 05 October 2008 - Failed to Comply with a Traffic Sign

On 08 October 2008 - Exceeded the Statutory Speed Limit on a Public Road

Each of the above offences resulted in three penalty points being endorsed on the DVLA driver licence held by Mr Jones.

The above offences appear to indicate that Mr Jones either has a lack of awareness of his vehicle speed, or is demonstrating a complete disregard for the rules and regulations relating to the use of motor vehicles on the public highway. In either respect, the antecedence of motoring related offences does cause officers concern, particularly as they has all been accrued since being granted a licence by the Council.

3. The actions open to Members are those contained in Section 19(1) (b) of the Plymouth City Council Act 1975 which empowers the Council to suspend, revoke or refuse to renew the licence of a driver of a Hackney Carriage or Private Hire vehicle, since the grant of a licence –

for :- ***“any other reasonable cause”***.

4. In deciding whether Mr Jones is fit and proper Members must have regard to the Council’s Hackney Carriage and Private Hire licensing policy. The relevant parts of which are detailed below:

### **Chapter 2. – Conditions of Licence**

**Paragraph 12.3** states that when considering whether someone is fit and proper the authority will consider amongst other things

- Relevant skills
- Knowledge
- Experience
- Criminal record (as to relevance of offences see below)
- Previous history as a licence holder

**Paragraph 18.2** requires that in considering whether a person is fit and proper each case is considered on its own merits.

### **Chapter 4 – Enforcement Policy**

**Paragraph 8.1** - Allows the Council to revoke any licence where it is satisfied that the licence holder is not, for example, fit and proper.

**Paragraph 8.2** requires that when considering revocation, the committee will take into account all relevant facts and circumstances including licensing objectives, nature of the breach and any other information thought to be pertinent to the matter being considered.

The licensing objectives are as follows:

- 1. Safety and health of drivers and the public** - e.g. Consideration of history of convictions and actions, Driver training, qualification and performance, health and fitness to fulfill the role and Crime prevention measures.
- 2. Vehicle safety, comfort and access**

- 3. To prevent crime and disorder and to protect consumers** - e.g. commitment to work with the police and licensing authorities
- 4. To encourage environmental sustainability.**

**Paragraph 10.2** gives the committee the discretion to direct a driver appearing them to complete further training or re - training should the drivers' suitability to retain a licence be called into question.

#### **Guidance on the Relevance of Convictions**

**Paragraph 1** – states that in making its decision the Council will consider the relevance of any offence, the seriousness of the offence, the length of time since the offence occurred and any pattern of offending behaviour.

**Paragraph 2** - states that a motoring offence is a relevant offence for considering the suitability of a person to retain a licence.

5. Members are made aware that the offence of speeding committed on 17 November 2008 in Paignton was in a licensed Private Hire vehicle, not owned by Mr Jones but loaned to him as a courtesy car.
6. Members are asked to consider whether Mr Jones is a “fit and proper” person in light of the above conviction, driving licence endorsements and guidance.
7. Mr. Jones has been invited to attend this Licensing Committee in order that this matter may be considered.

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of the Local Government Act 1972.

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