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LICENSING COMMITTEE (HACKNEY CARRIAGE)

DATE: THURSDAY 4 NOVEMBER 2010
TIME: 10AM
PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)

Members –

Councillor Fox, Chair
Councillor Delbridge, Vice Chair
Councillors Bowie, Drean, Haydon, Rennie and Reynolds

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 - 4)

To confirm the minutes of the meeting held on 30 September 2010.

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. LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - D P TAPPER

(Pages 5 - 10)

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

7. LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENCE STATUS - K W ELLIOT

(Pages 11 - 16)

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

8. 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.

9. CONFIDENTIAL MINUTES (E3 AND E7) (Pages 17 - 20)

To confirm the confidential minutes of the meeting held on 30 September 2010.

10. LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENCE STATUS - KH (E3 AND E7) (Pages 21 - 32)

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

LUNCH 1PM - 2PM

11. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - AMP (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.

12. APPLICATION FOR THE GRANT OF A RESTRICTED PRIVATE HIRE DRIVER'S LICENCE - PJF (E3 AND E7) (Pages 39 - 44)

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

13. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - TRR (E3 AND E7) (Pages 45 - 50)

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

14. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - SLH (E3 AND E7) (Pages 51 - 56)

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

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Licensing Committee (Hackney Carriage)

Thursday 30 September 2010

PRESENT:

Councillor Fox, in the Chair.
Councillor Delbridge, Vice Chair.
Councillors Drean, Haydon, Rennie and Reynolds.

Apologies for absence: Councillor Bowie

Also in attendance: Sharon Day (Lawyer) and Mark Small (Licensing Officer)

The meeting started at 10.00 am and finished at 4.55 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.

59. DECLARATIONS OF INTEREST

The following declaration of interest was made in accordance with the Code of Conduct in relation to an item under discussion at this meeting –

Name	Subject	Reason	Interest
Councillor Haydon	Minute 69 – Application for the grant of a Hackney Carriage Driver's Licence	Relative by Marriage	Personal

60. MINUTES

Agreed that the minutes of the meeting held on 2 September 2010 are confirmed as a correct record.

61. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

62. APPEAL CASES

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

63. LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENCE STATUS - K W ELLIOT

The Committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from the Licensing Officer that K W Elliot had not attended the committee hearing and no notification regarding his absence had been received;

Agreed that a letter be sent to K W Elliot by recorded delivery inviting him to attend the next available hearing and if he failed to attend warning him that the matter would be considered in his absence

64. EXEMPT INFORMATION

Agreed that under 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 paragraph 4 of Part 1 Schedule 12A of the (Local Government Access to Information) Act 1985, as amended by the Freedom of Information Act 2000.

65. **CONFIDENTIAL MINUTES (E3 AND E7)**

Agreed that the confidential minutes of the meeting held on 2 September 2010 are confirmed as a correct record.

66. **LICENSED HACKNEY CARRIAGE DRIVER APPLICATION FOR EXEMPTION - JCB (E3 AND E7)**

Due to JCB's non attendance at Committee, Members agreed that his application for exemption is held on file until such time as he contacts the licensing department.

67. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - PRB (E3 AND E7)**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from PRB;
- (c) taken into account all that was said.

Agreed that the application is granted subject to him completing the medical and driving examination. He must also complete the VRQ (or equivalent) driver qualification in 'Transporting passengers by Taxi and Private Hire' within the first 12 months of being granted the licence.

(Note: there is a confidential part of this minute).

68. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - MBS (E3 AND E7)**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from MBS;
- (c) taken into account all that was said.

Agreed that the application be granted and that MBS is required to complete the VRQ (or equivalent) driver qualification in 'Transporting Passengers by Taxi and Private Hire' within the first 12 months of any licence being issued to him.

69. **APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - CMP (E3 AND E7)**

Due to CMP's non attendance at Committee, Members agreed that his application for the grant of a Hackney Carriage Driver's Licence is held on file until such time as he contacts the licensing department.

(Councillor Haydon declared a personal interest in this item).

(Councillor Reynolds left the meeting and was not present for items 69, 70, 71, 72).

70. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - SRD (E3 AND E7)**

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from SRD;
- (c) taken into account all that he said;

Agreed that SRD's licence be suspended for a period of 3 days for failing to comply with his conditions of licence as this demonstrated a lack of willingness to work with the licensing authority which was relevant to the Council's Licensing Objectives which must be considered when reaching any determination.

(Note: there is a confidential part of this minute).

71. LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENSE STATUS - SGR (E3 AND E7)

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from SGR;
- (c) heard details of SGR's motoring convictions;

Agreed that having taken into account all of the above the committee's decision is to suspend SGR's Hackney Carriage Driver's licence for a period of six days due to the fact that the motoring offences are all relevant offences under the Council's licensing policy and give rise to concerns for public safety. In addition the failure to report did not demonstrate a willingness to work with the Licensing Authority which was relevant under the Council's Licensing Objectives which must be taken into account when reaching any determination.

(Note: there is a confidential part of this minute)

72. LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENSE STATUS - JW (E3 AND E7)

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from JW;
- (c) heard details of JW's convictions;

Agreed that on this occasion JW be issued with a written warning in relation to his conduct which would remain on his file and be brought to committee's attention should he appear before them in the future.

(Councillor Drear left the meeting and was not present for this item)

(Councillor Rennie recorded a vote of dissent against this decision)

(Note: there is a confidential part of this minute)

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CITY OF PLYMOUTH

Subject: Licensed Driver – Review of Driver Licence Status
Committee Licensing Committee (Hackney Carriage)
Date: 4 November 2010
Cabinet Member: Councillor Peter 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/pc
Part: I

Executive Summary:

Mr. David Peter Tapper is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 20 July 2006. His current licence is due to expire on 19 July 2011.

On 16 July 2010, when Mr Tapper renewed his Private Hire driver's licence, it was noted that he had received convictions on his DVLA licence, one of which he had not reported in the correct manner.

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

Corporate Plan 20010-2013:

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

Improving access across the City

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

Not applicable.

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.

Recommendations and Reasons for recommended action:

That Members of the Licensing Committee consider this report.

Alternative options considered and reasons for recommended action

None.

Background papers:

None

Sign off:

Head of Fin		Head of Leg		Head of HR		Head of AM		Head of IT		Head of Strat. Procur.	
Originating CMF Member											

Report

1. Mr. David Peter Tapper is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 20 July 2006. His current licence is due to expire on 19 July 2011.
2. On 16 July 2010, when Mr Tapper renewed his Private Hire driver's licence, it was noted that he had received convictions on his DVLA licence, one of which he had not reported in the correct manner.

Details of these motoring convictions are given below.

On 14 September 2009 at Plymouth Magistrates' Court.

Mr Tapper was convicted of Failing to Comply with Traffic Light Signal, on 10 April 2009.

Mr Tapper was fined £150 and ordered to pay a victim surcharge of £15 and his DVLA licence was endorsed with 3 penalty points.

On 17 November 2009 at South East Wiltshire PSA

Mr Tapper was convicted of Exceeding the Speed Limit on a Motorway, on 12 May 2009.

Mr Tapper was fined £350 and ordered to pay a victim surcharge of £15 and his DVLA licence was endorsed with 6 penalty points.

This means that Mr Tapper currently has 9 live penalty points on his DVLA licence.

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 for:-

“any other reasonable cause”.

4. In deciding whether Mr Tapper is a fit and proper person, Members must have regard to the Council's Hackney Carriage and Private Hire Licensing Policy. The relevant parts of which are detailed below:

- **General Policy**

The Council's Hackney Carriage and Private Hire licensing policy states that the Council will carry out its Hackney Carriage and Private Hire licensing function with a view to promoting stated objectives. Members must therefore ensure that they consider those objectives when forming a decision.

The Licensing objectives are as follows:

1. **Safety and health of drivers and the public.**
 - Consideration of history of convictions and cautions
 - Driver training, qualification and performance
 - Health and Fitness to fulfil the role
 - Crime prevention measures
2. **Vehicle safety, comfort and access**
3. **To prevent crime and disorder and to protect consumers.**

- Commitment to work with the police and licensing authorities
4. **To encourage environmental sustainability**

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
- Qualifications
- 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 no longer, for example, fit and proper or a breach of a 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 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 retraining, should the drivers' suitability to retain a licence be called into question.

Guidance on the Relevance of Convictions

Paragraph 1 – states that a criminal record does not automatically prevent an applicant from obtaining a licence unless the Council considers the conviction renders the applicant unsuitable. 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.

Paragraph 5 – states that if a person has more than one conviction for a relevant offence or a pattern of offending behaviour is identified, and there is less than 5 years since the last conviction, then the application will be dealt with by the Licensing Committee (Hackney Carriage)

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. The above guidance will be followed in such cases. The Policy shall apply to all applicants for a licence and existing licence holders on or after the effective date.

5. Members are made aware that a condition of Private Hire drivers is that at the time of these convictions Mr. Tapper was licensed as a Private Hire driver and, as such was governed by the conditions of licence for such drivers, which are made by virtue of

Section 9(2) of the Plymouth City Council Act 1975.

Condition 1(c) of the licence requires

The licence holder to notify the Council's Licensing Section, IN WRITING, of any conviction in a Court of Law in respect of any Motoring and/or Criminal offences following the grant of a licence, within 7 days of such an conviction.

On 2 December 2009, Mr Tapper wrote to the Licensing Office informing them of the conviction of 17 November 2009.

There is no record of Mr Tapper making the Licensing Office aware of the conviction of 10 April 2009, thereby breaching his conditions of licence.

6. Members are asked to consider whether Mr Tapper is a "fit and proper" person in light of the above motoring convictions and breach of licence condition.
7. Mr. Tapper has been invited to attend this Licensing Committee in order that this matter may be considered.

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CITY OF PLYMOUTH

Subject: Licensed Driver – Review of Driver Licence Status
Committee Licensing Committee (Hackney Carriage)
Date: 4 November 2010
Cabinet Member: Councillor Peter Brookshaw
CMT Member: Director for Community Services
Author: Mark Small - Assistant Taxi Licensing Officer
Contact: Tel: 01752 307984
e-mail: mark.small@plymouth.gov.uk
Ref: ERS/LIC/MS/kwe
Part: I

Executive Summary:

Mr Kenneth Wilfred Elliott is a Hackney Carriage driver having been first licensed by this Council on the 10th September 2008 as a Private Hire driver. On the 8th September 2009, Mr Elliot transferred to a Hackney Carriage driver licence, and that licence was renewed on the 6th September 2010 and is due to expire on the 7th September 2011.

At the last renewal of licence Mr Elliott produced his DVLA driver licence for examination, and it was noted by the Licensing Support Officer that the licence contained several endorsements which had not been reported to the Licensing Section.

Corporate Plan 2010-2013:

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

Improving access across the City.

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

Not applicable.

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.

Recommendations and Reasons for recommended action:

That Members of the Licensing Committee consider this report.

Alternative options considered and reasons for recommended action

None.

Background papers:

None

Sign off:

Head of Fin		Head of Leg		Head of HR		Head of AM		Head of IT		Head of Strat. Procur.	
Originating CMF Member											

Report

1. Mr Kenneth Wilfred Elliott is a Hackney Carriage driver having been first licensed by this Council on the 10th September 2008 as a Private Hire driver. On the 8th September 2009, Mr Elliott transferred to a Hackney Carriage driver licence, and that licence was renewed on the 6th September 2010 and is due to expire on the 7th September 2011.
2. On the 6th September 2010 Mr Elliott attended the Licensing Counter of the Civic Centre to renew his Hackney Carriage driver licence which was due to expire on the 7th September 2010. During this transaction, the Licensing Support Officer noted that Mr Elliott had multiple endorsements on his DVLA counterpart and had accumulated a total of 12 penalty points on that licence.
3. On examining the file for Mr Elliott, Taxi Enforcement Officers noted that some of the endorsements had not been notified to the Licensing section, and attempts (which are provided in paragraph 5) had previously been made to require Mr Elliott to produce his DVLA counterpart for examination, which had not been complied with. On the 7th September 2010 enquiries were made with Plymouth Magistrates Court regarding the status of the driving licence status of Mr Elliott, and a memorandum of conviction was received which provided the information below. This information has been taken from both the memorandum and his DVLA driving licence to build a chronology of his convictions.

On 12th June 2009 at Plymouth Magistrates' Court.

Convicted of Exceeding the Statutory Speed Limit on a Public Road, namely Plymouth Rd, on 20th September 2008 in a motor car registered number DG04YNV, contrary to Section 81(1) and 89(1) of the Road Traffic Regulation Act 1984 and Schedule 2 of the Road Traffic Offenders Act 1988.

Fined £60. ordered to pay £15 victim surcharge and driving licence endorsed with 3 penalty points.

On 9th February 2010 at Plymouth Magistrates' Court.

Convicted of Using a Motor Vehicle with Tyre with any of the Ply/Cord Exposed. On the 1st October 2009 on a Taxi Rank in Barbican Leisure Park used a Taxi registered number S964OVP when the front offside wheel was fitted with a tyre which had ply or cord exposed, contrary to Regulation 27(1)(e) of the Road Vehicles (Construction and Use) Regulations 1986, S.41A of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic offenders Act 1988.

The case was proved in his absence and he was fined £230 and ordered to pay £60 costs and £15 victim surcharge with his driving licence being endorsed with 3 penalty points.

Convicted of Failing to Produce Driving Licence on the 1st October 2009, being a person driving a motor vehicle, namely a Taxi registered number S964OVP on a taxi rank at Barbican Leisure Park, on being so required by a Constable, failed to produce for examination his licence contrary to S.164(6) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

The case was proved in his absence and he was fined £175.

On 25th May 2010 at Plymouth Magistrates Court

Convicted of Exceeding the Statutory Speed Limit on a Public Road on the 28th November 2009.

Fined £100 with his driving licence endorsed with 3 penalty points.

On 6th July 2010 at Plymouth Magistrates' Court.

Convicted of Using a handheld mobile phone / device while driving a motor vehicle, registered number X736JNS, on a road, namely The Octagon Roundabout, Plymouth, contrary to Regulation 110(1) of the Road Vehicles (Construction and Use) Regulations 1986, S.41D of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

Fined £80 and ordered to pay costs of £45 and a victim surcharge of £15 with his driving licence endorsed with 3 penalty points. There was no disqualification due to mitigating circumstances as disqualification would lead inevitably to loss of employment as a taxi driver and in defendant's circumstances, exceptional hardship.

It should be noted by Members that the vehicles mentioned above were all at the time of these offences either licensed Hackney Carriages or Private Hire vehicles.

At the time of writing this report Mr Elliott has a total of 12 live penalty points endorsed on his DVLA driving licence.

4. By way of additional information, members are advised that Mr Elliott has previously had points on his licence in respect of speeding offences, and one conviction for driving without due care and attention. None of these points are still live. This information was considered by Members at the time of Mr Elliott's application for a licence and is included in brief should Members consider it relevant to demonstrating a history of offending.
5. From examining the file of Mr Elliott, it would appear that there have been repeated attempts to get him to produce his DVLA licence for examination since his renewal of licence on the 8th September 2009. A chronology of those events is provided here for Members information.

8th September 2009 – Hackney Carriage driver licence granted (in exchange for his Private Hire driver licence) at that time he failed to produce his DVLA driving licence counterpart, but paid for the Council to obtain driving licence information from the DVLA. He was also informed that he needed to produce his DVLA for examination.

15th October 2009 – Taxi Enforcement Officer made telephone contact with Mr Elliott to remind him that he was required to produce his DVLA counterpart, which had still not been done since the request was made on the 8th September 2009.

4th December 2009 – Further telephone call made to Mr Elliott by a Taxi Enforcement Officer, with a message left for him to contact the Licensing Section regarding the non production of his DVLA licence.

21st December 2009 – Letter sent to Mr Elliott again requiring his DVLA licence counterpart.

9th March 2010 – A second letter sent to Mr Elliott requiring him to produce his DVLA licence counterpart.

17th March 2010 – Mr Elliott produced his DVLA counterpart for examination and stated

verbally that a further three points were due to be added to that licence.

The above taken with the fact that he had not declared any of the convictions he has received during his period of being licensed, raises concerns over the willingness of Mr Elliott to supply information when it is requested of him, and the standard of his driving skills which must be called into question given his history of offending.

6. 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 for:-

“any other reasonable cause”.

7. In deciding whether Mr Elliott is a “fit and proper” person, Members must have regard to the Council’s Hackney Carriage and Private Hire Licensing Policy. The relevant parts of which are detailed below:

General Policy

The Councils Hackney Carriage and Private Hire Licensing Policy states that the Council will carry out its Hackney Carriage and Private Hire licensing function with a view to promoting stated objectives. Members must therefore ensure that they consider those objectives when forming a decision.

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 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
- Qualifications
- 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 18.5 requires the Committee to have regard to the following when considering previous convictions:

- Whether they are spent or unspent.
- The nature of the offence
- The age of the offence
- The apparent seriousness as gauged by the penalty

- The relevance of the convictions in relation to the promotion of the Licensing Objectives

Chapter 4 – Enforcement Policy

Paragraph 8.1 - Allows the Council to revoke any licence where it is satisfied that the licence holder is, for example, no longer a 'fit and proper' person.

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

Paragraph 10.2 - Gives the Committee the discretion to direct a driver appearing them to complete further training or re training should the driver's suitability to retain a licence be called into question.

Guidance on the Relevance of Convictions

Paragraph 1 – states that the disclosure of a criminal record will not automatically prevent any applicant from obtaining a licence unless the Council considers the applicant unsuitable. 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 motoring offences are relevant offences for considering the suitability of a person to retain a licence.

Paragraph 8 – states that any driver who receives a 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. The above guidance will be followed in such cases.

8. Members are asked to consider whether Mr Elliott is a "fit and proper" person in light of the matters contained within this report, and in particular his antecedence of driving convictions some of which directly relate to the use of vehicles licensed by Plymouth City Council.
9. This review of licence was adjourned from the meeting held on the 30th September 2010, as Mr Elliott failed to attend in that occasion. A letter was sent by recorded delivery informing him that failure to attend this Committee would result in the matter being considered in his absence.

By virtue of paragraph(s) 3, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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