

## CITY OF PLYMOUTH

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

**Committee** Licensing Committee (Hackney Carriage)

**Date:** 10 September 2009

**Cabinet Member:** Councillor Brookshaw

**CMT Member:** Director for Community Services

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**Ref:** ERS/LIC/GC/ikl

**Part:** I

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### **Executive Summary:**

Mr. Ian Keith Luker is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 7 July 1999. Mr. Luker's present licence is due to expire on 20 July 2010.

On 10 July 2009, Mr Luker renewed his Private Hire driver's licence, when it was noted that he had received a motoring conviction, which had not been reported to the Licensing Office.

Mr Luker 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:**

(Insert)

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**Sign off:**

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|------------------------|--|-------------|--|------------|--|------------|--|------------|--|------------------------|--|
| 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. Ian Keith Luker is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 7 July 1999. Mr. Luker's present licence is due to expire on 20 July 2010.
2. On 10 July 2009, Mr Luker renewed his Private Hire driver's licence, when it was noted that he had received a motoring conviction, which was not reported to the Licensing Office. A memo of conviction was requested from Plymouth Magistrates' Court on 15 July 2009, a reply was received on 23 July 2009.

Details of this motoring conviction are given below -

### **On 10 July 2006, at Plymouth Magistrates' Court.**

Convicted of driving a motor vehicle, namely a motor car registration number R709FFV, on a road, namely A374 Plymouth Road at a speed exceeding 40 m.p.h. Contrary to S.84 and 89(1) of the Road Traffic Regulations Act 1984 and Schedule 2 to the Road Traffic Offenders Act 1988.

Mr Luker was fined £175 and ordered to pay costs of £35, his DVLA licence was endorsed with 6 penalty points.

An inspection of Mr Luker's DVLA licence reveals no other current penalty points at this time.

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 Luker 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 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.

- 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.

### Appendix A – 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 a condition of Private Hire drivers is that at the time of these convictions Mr. Luker 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 Hackney Carriage and Private Hire Inspector 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.***

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

