

CITY OF PLYMOUTH

Subject: Licensed Private Hire 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/fa

Part: I

Executive Summary:

Mr. Florian Ahmed is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 7 June 2005. Mr. Ahmed's present licence is due to expire on 6 June 2012.

On 10 July 2009, information was received that Mr Ahmed had appeared in Court regarding a motoring offence, and had received a disqualification from driving.

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

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).

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, 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:

Members of the Licensing Committee consider this report.

Alternative options considered and reasons for recommended action

None.

Background papers:

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 SMT Member | | | | | | | | | | | |

Report

1. Mr. Florian Ahmed is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 7 June 2005. Mr. Ahmed's present licence is due to expire on 6 June 2012.
2. On 10 July 2009, information was received that Mr Ahmed had appeared in Court regarding a motoring offence, and had received a disqualification from driving. 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 2009 at Plymouth Magistrates' Court

Convicted of Stopping in a Pedestrian Crossing Controlled Area, on 11 December 2008 at Plymouth, being the driver of a vehicle, namely a motor car registration number RK05ZWM, caused it, or part of it, to stop in a Pelican Controlled area on Vauxhall street. Contrary to Regulation 20(2) of the Zebra, Pelican and Puffin Pedestrian Crossings Regulations 1997, S.25(5) or the Road Traffic Regulations Act 1984 and Schedule 2 to the Road Traffic Offenders Act 1988.

Mr Ahmed was fined £120 and ordered to pay £60 costs and £15 victim surcharge. Mr Ahmed was given a discretionary disqualification from driving for 7 days.

An inspection of Mr Ahmed's DVLA licence reveals 6 current penalty points on his licence, for speeding on 17 February 2008 and 28 June 2008 on both occasions Mr Ahmed was given a fixed penalty fine and 3 penalty points on his DVLA licence. A prior fixed penalty fine and 3 penalty points for failing to comply with a traffic signal was imposed on 19 July 2006.

This means that, at the Court hearing, Mr Ahmed had 9 current 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, since the grant of a licence –

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

4. In deciding whether Mr Ahmed 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.

- Disqualification from driving a motor vehicle at any time in the five years prior to applying for a licence (time to run from the expiry of the disqualification)

5. Members are made aware that a condition of Private Hire drivers is that at the time of these convictions Mr. Ahmed 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. Mr. Ahmed has been invited to attend this Licensing Committee in order that this matter may be considered.