

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
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Ref: ERS/LIC/GC/gj
Part: I

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.

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 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:

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.