

CITY OF PLYMOUTH

Subject: Licensed Private Hire Driver – Review of Licence Status following Motoring Disqualification

Committee Licensing Committee (Hackney Carriage)

Date: 3 December 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/sem,

Part: I

Executive Summary:

Mr. Stuart Edward Munnery is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 25 February 2008. Mr. Munnery's present licence is due to expire on 24 February 2010.

On 13 October 2009, Mr Munnery telephoned the Licensing Office and stated that he had been to Court regarding a motoring offence and was disqualified from driving.

Mr Munnery 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:

That Members of the Licensing Committee consider this report.

Alternative options considered and reasons for recommended action

None.

Background papers:

Sign off:

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. Stuart Edward Munnery is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 25 February 2008. Mr. Munnery's present licence is due to expire on 24 February 2010.
2. On 13 October 2009, Mr. Munnery telephoned the Licensing Office and stated that he had been to Court regarding a motoring offence and was disqualified from driving. On 20 October 2009, Mr. Munnery voluntarily surrendered his Private Hire driver's licence and I/D badge. A memo of conviction was requested from Plymouth Magistrates' Court on 20 October 2009, a reply was received on 21 October 2009 which revealed the following information.

On 12 October 2009 at Plymouth Magistrates' Court.

Convicted of speeding. On 11 April 2009 at Plymouth drive a motor vehicle, namely a Ford Mondeo index number Y522NJB, on a restricted road, namely Outland Road, at a speed exceeding 30 miles per hour. Contrary to S 81(1) and 89 (1) of the Road Traffic Regulation Act 1984 and Schedule 2 to the Road Traffic Offenders Act 1988.

Mr. Munnery was fined £60 and ordered to pay £60 costs and £15 victim surcharge, he was also disqualified from driving for 6 months, the disqualification was obligatory due to repeat offending. His DVLA licence was endorsed with 3 penalty points.

An inspection of Mr. Munnery's DVLA licence reveals a further 15 current penalty points on his licence. These are comprised of 4 offences for speeding on 12 December 2006, 21 July 2007, 4 March 2008 and 18 April 2008. Mr Munnery was given a fixed penalty fine and 3 penalty points on each of these occasions. On 13 October 2008, Mr Munnery was convicted for an offence of speeding on 18 April 2008. He was fined £100 and had his DVLA licence endorsed with 3 penalty points. At sentencing on 19 November 2008, the Magistrates found exceptional hardship and chose not to impose a period of disqualification on that occasion.

Members are made aware that the vehicle used on the offences which resulted in conviction was a licensed Private Hire vehicle which is owned by Mr Munnery.

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. Munnery 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 before 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 as is 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 Mr. Munnery appeared before them on 8 January 2009, where Members considered Mr. Munnery's driving record, and in particular the Court appearance on 19 November 2008. Members resolved to suspend Mr Munnery's Private Hire driver's licence for 3 days.

6. Officers are concerned that Mr Munnery has received 2 speeding convictions and 4 fixed penalty notices on his DVLA licence, all for speeding offences. Four of these have been endorsed on his DVLA licence since being granted a Private Hire driver's licence. He also appeared before Members of the Licensing Committee after his last conviction and received a period of suspension, but has nevertheless gone on to commit a further offence after that suspension which has resulted in a period of disqualification.
7. Members are made aware that Mr. Munnery kept in touch with the Licensing Office at all times during this period.
8. Mr. Munnery has been invited to attend this Licensing Committee in order that this matter may be considered.