

## **CITY OF PLYMOUTH**

**Subject:** Licensed Hackney Carriage Driver – Review of Licence Status

**Committee:** Licensing Committee – (Hackney Carriage)

**Date:** 11 February 2010

**Cabinet Member:** Councillor Brookshaw

**CMT Member:** Director for Community Services

**Author:** George Curness - Assistant Licensing Officer

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**Ref:** ERS/LIC/GC/dcs

**Part:** I

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### **Executive Summary:**

Mr Desmond Craig Sowden is a licensed Hackney Carriage driver, having been first licensed as a Private Hire driver by Plymouth City Council on 7 November 2008. On the 19 January 2009, Mr Sowden transferred to Hackney Carriage. On 18 January 2010 Mr Sowden wished to renew his driver licence, but was not able to produce any evidence of having achieved a pass in the driver VRQ qualification which is a requirement for all new drivers on their first renewal of licence since the adoption of the Council Licensing policy in November 2008.

Mr Sowden's licence was renewed on the 18 January 2010, but he was informed at that time that a report would be submitted to Members of the Committee as he had failed to comply with the Council Licensing policy.

Mr Sowden has been invited to this Licensing Committee hearing.

### **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

**Other Implications: e.g. Section 17 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 puts 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 & Reasons for recommended action:**

It is recommended that the Members consider the content of 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 Desmond Craig Sowden is a licensed Hackney Carriage driver, having been first licensed as a Private Hire driver by Plymouth City Council on 7 November 2008. On the 19 January 2009 Mr Sowden transferred to Hackney Carriage. On 18 January 2010 Mr Sowden attended the Licensing desk to renew his driver licence, but was not able to produce any evidence of having achieved a pass in the driver VRQ qualification (or equivalent) which is a requirement for all new drivers on their first renewal of licence since the adoption of the Council Licensing policy in November 2008.

Mr Sowden was first granted a Private Hire driver's licence by Members on the 9 October 2008, subject to him completing the pre-requisite tests. This was successfully achieved by the 4 November 2008 and his licence was issued on the 7 November 2008. The Licensing Policy was effective from the 1 November 2008, therefore bringing him within the requirements to complete a VRQ, or equivalent qualification, in Transporting Passengers by Taxi or Private Hire, within 12 months of being first licensed.

Mr Sowden's licence was renewed on the 18 January 2010, for a period of 3 years, and Mr Sowden was informed at that time that a report would be submitted to Members to consider that he had failed to comply with the Council Licensing policy. He was also advised that he should take steps to remedy the situation as soon as possible.

2. Section 19(1) (b) provides for the Council to suspend, revoke or refuse to renew the licence of a Hackney Carriage or Private Hire driver,

***for any other reasonable cause.***

3. In deciding whether Mr Sowden 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
- Qualifications
- Medical Fitness
- Criminal record
- Previous history as a licence holder

**Paragraph 14.2** requires all new applicants for a licence to complete the Level 2 VRQ in "Transporting Passengers by Taxi and Private Hire" or equivalent within 12 months from the date of being first licensed.

**Paragraph 14.4** makes it clear that it is the responsibility of the licence holder to notify the Council at the earliest opportunity, if they consider they will not be able to comply with the qualification requirement within the 12 month licence probationary period.

**Paragraph 18.2** requires that in considering whether a person is fit and proper each case is considered on its own merits.

4. In addition to the powers laid out in the Plymouth City Council Act 1975, outlined in paragraph 2 of this report, Members of the Licensing Committee (Hackney Carriage) shall have 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.
5. Members are being asked to consider, given the above information, what, if any, sanction needs to be applied to the Hackney Carriage driver's licence held by Mr Sowden in light of the fact that he has not completed the VRQ driver qualification as required by the Councils Hackney Carriage and Private Hire Vehicle Licensing policy.
6. Mr Sowden has been invited to attend this Committee in order that this matter may be considered.