

## CITY OF PLYMOUTH

**Subject:** Licensed Driver – Review of Driver Licence Status  
**Committee** Licensing Committee (Hackney Carriage)  
**Date:** 15 April 2010  
**Cabinet Member:** Councillor Brookshaw  
**CMT Member:** Director for Community Services  
**Author:** George Curness – Assistant Licensing Officer  
**Contact:** 01752 307964 e-mail george.curness@plymouth.gov.uk  
**Ref:** ERS/LIC/GC/jl  
**Part:** I

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### **Executive Summary:**

Mr. Jan Liska is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 3 August 2005. Mr. Liska's present licence is due to expire on 11 August 2012.

On 4 January 2010 a note was received from Mr Liska stating that he had received 8 penalty points on his DVLA driver licence. A memo of conviction was requested from Plymouth Magistrates' Court and received on 26 February 2010, which details the motoring conviction in this report

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

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### **Corporate Plan 2010-2013:**

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, Risk Management, Equality 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:**

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. Jan Liska is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 3 August 2005. Mr. Liska's present licence is due to expire on 11 August 2012.
2. On 4 January 2010 a note was received from Mr Liska stating that he had received 8 penalty points on his DVLA driver licence. A memo of conviction was requested from Plymouth Magistrates' Court on 22 February 2010 and received on 26 February 2010.

Details of this motoring conviction are given below.

### **On 19 October 2009 at Plymouth Magistrates' Court.**

Mr Liska was convicted of using a motor vehicle without third party insurance, on 14 September 2009 at Plymouth. He used a motor vehicle, registration number V287JTU on a road, namely Victoria Road St Budeaux, when there was not in force in relation to that use, such a policy of insurance or such a security in respect of third party risks as complied with the requirements of Part VI of the Road Traffic Act 1988, contrary to S.143 Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

Mr Liska was fined £400 and ordered to pay costs of £60 and victim surcharge of £15, his DVLA licence was endorsed with 8 penalty points.

Members are made aware that the vehicle V287JTU is a licensed private hire vehicle, currently licensed to Mr Liska from 1 April 2009 till 31 March 2010.

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 Liska 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:

- **General Policy**

The Council's Hackney Carriage and Private Hire licensing policy states that the Council will carry out its Hackney Carriage and Private Hire licensing function with a view to promoting stated objectives. Members must therefore ensure that they consider those objectives when forming a decision.

The Licensing objectives are as follows:

1. **Safety and health of drivers and the public.**
  - Consideration of history of convictions and cautions
  - Driver training, qualification and performance
  - Health and Fitness to fulfil the role
  - Crime prevention measures
2. **Vehicle safety, comfort and access**
3. **To prevent crime and disorder and to protect consumers.**
  - Commitment to work with the police and licensing authorities
4. **To encourage environmental sustainability**

## **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
- 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 no longer, 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.

**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 a condition of Private Hire drivers is that at the time of

these convictions Mr. Liska 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 Liska is a "fit and proper" person in light of the above conviction and guidance.
7. Mr. Liska has been invited to attend this Licensing Committee in order that this matter may be considered.