

## CITY OF PLYMOUTH

**Subject:** Licensed Hackney Carriage Driver Review of Licence Status  
**Committee** Licensing Committee (Hackney Carriage)  
**Date:** 9 June 2011  
**Cabinet Member:** Councillor Jordan  
**CMT Member:** Director for Community Services  
**Author:** George Curness, Taxi Licensing Officer  
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**Ref:** ERS/LIC/GC/as  
**Key decision:** No  
**Part:** I

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### **Executive Summary:**

Mr Adam Stefan is a Hackney Carriage driver having been licensed by this Council on 18 January 2011 as a Private Hire driver. His current licence is due to expire on the 17 January 2012.

On 5 April 2011, Mr Stefan attended an appointment at the Civic Centre to transfer his Private Hire drivers licence to Hackney Carriage. On 16 April 2011, a copy of a Notice of Endorsement of Licence from Plymouth Magistrates' Court was received.

Mr Stefan has been invited to attend this Licensing Committee in order that these matters may be considered.

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### **Corporate Plan 2011 – 2014:**

This report links to the delivery of the corporate priorities defined in the Corporate Improvement Plan. In particular:

Improving access across the City.

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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 and Risk Management, Equalities Impact Assessment:**

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 and Reasons for recommended action:**

That Members of the Licensing Committee consider this report.

**Alternative options considered and reasons for recommended action:**

**Background papers:**

**Sign off:**

Head of Fin		Head of Leg	<b>SD/25.5.11/11669</b>	Head of HR		Head of AM		Head of IT		Head of Strat. Procur.	
Originating CMF Member											

## Report

1. Mr Adam Stefan is a Hackney Carriage driver having been licensed by this Council on 18 January 2011 as a Private Hire driver. His current licence is due to expire on the 17 January 2012.
2. On 5 April 2011, Mr Stefan attended an appointment at the Civic Centre to transfer his Private Hire drivers licence to Hackney Carriage. On 16 April 2011, a copy of a Notice of Endorsement of Licence from Plymouth Magistrates' Court was received.

Details of the endorsement are given below.

### **29 March 2011 at Plymouth Magistrates Court.**

Mr Stefan was convicted of Using a hand-held Mobile Phone While Driving a Motor Vehicle on a road.

He was Fined £45, ordered to pay £15 Victim Surcharge, and his DVLA licence endorsed with three penalty points.

On 23 January 2011 Mr Stefan drove a motor vehicle, namely FB04FWW, on a road, namely A386, Manadon Flyover, City bound, when he was using a hand held mobile phone. Contrary to Regulation 110(1) of the Road Vehicles (Construction and Use) Regulations 1986, Section 41D of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988

3. Members are made aware that the vehicle, FB04FWW, was a licensed vehicle, rented to Mr Stefan, at the time of the incident. Members are also made aware that the offence was committed within 5 days of Mr Stefan being granted a licence to drive Private Hire vehicle.
4. Members are asked to consider whether Mr Stefan is a "fit and proper" person in light of the conviction revealed above. Mr Stefan declared the conviction in writing within seven days of the conviction by way of declaration on the conviction on his application form. In making their decision, Members must have regard to the Council's Hackney Carriage and Private Hire Licensing Policy.
5. 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 for any other reasonable cause.
6. The relevant parts of the Council's policy 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 - 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.**

## **Chapter 2 – Conditions of Licence**

**Paragraph 12.3** states that when considering whether a driver 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 for example, no longer a ‘fit and proper’ person, or a breach of a 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, the nature of the breach and any other information thought 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 driver’s suitability to retain a licence be called into question.

## **Guidance on the Relevance of Convictions**

**Paragraph 1** – states that the disclosure of a criminal record will not automatically prevent any applicant from obtaining a licence, unless the Council considers the conviction renders the applicant unsuitable. 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 motoring offences are relevant offences when considering the suitability of a person to hold or retain a licence.

**Paragraph 8** – states that any driver who receives a relevant conviction within their licence period will be referred to the Licensing Committee (Hackney Carriage) in order that the status of their licence may be reviewed. The above guidance will be followed in such cases.

7. Mr Stefan has been invited to attend this Licensing Committee in order that this review may be considered.