

CITY OF PLYMOUTH

Subject: Licensed Hackney Carriage Driver Review of Licence Status
Committee Licensing Committee (Hackney Carriage)
Date: 7 July 2011
Cabinet Member: Councillor Jordan
CMT Member: Director for Community Services
Author: George Curness, Licensing Officer (Taxis)
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Ref: ERS/LIC/GC/mr
Key Decision: No
Part: 1

Executive Summary:

Mr. Mark Rowe is a licensed Hackney Carriage driver, having been first granted a Hackney Carriage driver's licence by this Council on the 10 June 1997. His current licence is due to expire on 9 June 2012.

On 9 June 2011, a letter was received from Mr Rowe, informing the Council of a conviction in a Court of Law.

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

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

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

Not applicable.

Other Implications: e.g. Section 17 of the Crime Disorder Act 1998, Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment:

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:

Head of Fin		Head of Leg	AZG/23.6.11/12042	Head of HR		Head of AM		Head of IT		Head of Strat. Procur.	
Originating CMF Member											

Report

1. Mr. Mark Rowe is a licensed Hackney Carriage driver, having been first granted a Hackney Carriage driver's licence by this Council on the 10 June 1997. His current licence is due to expire on 9 June 2012.
2. On 9 June 2011, a letter was received from Mr Rowe, informing the Council of a conviction in a Court of Law. A memo of conviction was requested from Plymouth Magistrates' Court on 13 June 2011. A reply was received on 15 June 2011, which revealed the conviction detailed below.

On 7 June 2011 at Plymouth Magistrates' Court

Mr Rowe was convicted of driving a mechanically propelled vehicle, namely a motor vehicle registration number SC02JJE, on 2 May 2011, on a road, namely Crownhill Road at junction with Jubilee Road without due care and attention.

Contrary to S.3 Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

Mr Rowe was Fined £100 and ordered to pay £15 Victim Surcharge and £60 costs to the CPS. His DVLA licence was endorsed with 4 penalty points.

Members are made aware that Mr Rowe was a Licensed Hackney Carriage driver, and the vehicle mentioned above was a licensed Hackney carriage at the time the above offence was committed.

3. An inspection of Mr Rowe's DVLA licence reveals no other current endorsements.
4. Members are asked to consider whether Mr Rowe is a "fit and proper" person in light of the above motoring endorsement.

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.

5. In deciding whether Mr. Rowe is a "fit and proper" person, Members must have regard to the Council's Hackney Carriage and Private Hire Licensing Policy.
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 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** – 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 someone is “fit and proper” the authority will consider amongst other things

- Relevant skills
- Knowledge
- Experience
- Qualifications
- Criminal record (as to relevance of offences)
- 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 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, 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 before 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 2 - states that a motoring conviction is a relevant offence for considering the suitability of a person to retain a licence.

Paragraph 8 – states that any driver who receives a 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. Rowe has been invited to attend this Licensing Committee in order that this matter may be considered.