

CITY OF PLYMOUTH

Subject: Licensed Private Hire 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: Mark Small, Taxi Licensing Officer
Contact: Tel: 01752 307984
e-mail: mark.small@plymouth.gov.uk
Ref: ERS/LIC/MS/rcs
Key Decision: No
Part: 1

Executive Summary:

Mr. Robert Catalin Saturn is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 11 June 2009. This licence has been subject to periodic renewal, with the present licence due to expire on the 10 June 2012.

At the last renewal of licence it was noted that Mr Saturn had received an endorsement on his driving licence which had not previously been notified to the Licensing Section

Mr Saturn 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 .11/12041	Head of HR		Head of AM		Head of IT		Head of Strat. Procur.	
Originating CMF Member											

Report

1. Mr. Robert Catalin Saturn is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 11 June 2009. This licence has been subject to periodic renewal, with the present licence due to expire on the 10 June 2012.
2. At the last renewal of his Private Hire driver licence, it was noted that his DVLA counterpart contained a motoring conviction endorsement which had not previously been notified to the Licensing Section as required by his conditions of licence. A memorandum of conviction was subsequently obtained from Plymouth Magistrates' court which revealed the information below:

On 22 October 2010 at Plymouth Magistrates' Court.

Convicted of driving without due care and attention on the 14 August 2010, at the junction of Mannamead Road, and Eggbuckland Road, Plymouth. Contrary to S.3 of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

He was fined £200 and ordered to pay costs of £60 and a victim surcharge of £15, and his DVLA licence was endorsed with 3 penalty points.

Members are made aware that at the time of this conviction Mr Saturn was licensed as a Private Hire driver the vehicle involved in the offence LD03HRR, is licensed as a private hire vehicle, owned by Mr Saturn at the time of the offence.

3. A standard condition of licence exists which requires all Private Hire drivers to notify the Council of any convictions received during the licence period. The conditions of licence 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 Licensing Section, 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.

It would appear that Mr Saturn has breached this condition of licence, as there is no trace of him having complied with this condition in respect of the conviction on 22.10.10. There was however, a phone call from him on the 16 August 2010 where he informed the Licensing Section that he had been involved in an accident with a cyclist on the 14 August 2010, this was the same day as the driving without due care offence had been committed.

4. By way of background information, members are advised that Mr Saturn appeared before them on the 10 June 2010 where the status of his Private Hire driver licence was considered after receiving a motoring conviction, and breaching his conditions of licence. On that occasion, his Private Hire driver licence was suspended for a period of two days.
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. Members are asked to consider whether Mr Saturn is a "fit and proper" person in light of the above conviction and breach of condition, and what, if any sanction, needs to be applied to his Private Hire driver licence.
7. In deciding whether Mr Saturn is a "fit and proper" person, 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 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 them to complete further training or retraining, 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.

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.

8. Mr Saturn has completed the Level 2 BTEC award, Transporting Passengers by Taxi and Private Hire.
9. Mr. Saturn has been invited to attend this Licensing Committee in order that this matter may be considered.