

CITY OF PLYMOUTH

Subject: Licensed Private Hire Driver Review of Licence Status
Committee Licensing Committee (Hackney Carriage)
Date: 4 August 2011
Cabinet Member: Councillor Jordan
CMT Member: Director for Community Services
Author: James Hirst, Licensing Officer (Taxis)
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Key Decision: No
Part: 1

Executive Summary:

Mr Vasile Banta is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 24 June 2008. His current licence is due to expire on 16 May 2012.

On 17 May 2011, when Mr. Banta renewed his Private Hire driver's licence, it was noted that he had received a number of endorsements on his DVLA licence, none of which he had reported in the correct manner.

Mr. Banta 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.

Alternative options considered and reasons for recommended action

None.

Background papers:

None.

Sign off:

Head of Fin		Head of Leg	AZG/22.6.11/12049	Head of HR		Head of AM		Head of IT		Head of Strat. Procur.	
Originating CMF Member											

Report

1. Mr Vasile Banta is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 24 June 2008. His current licence is due to expire on 16 May 2012.
2. On 17 May 2011, when Mr. Banta renewed his Private Hire driver's licence, it was noted that he had received a number of endorsements on his DVLA licence, none of which he had reported in the correct manner.

Details of these motoring offences are given below:

2 February 2009 at Plymouth Magistrates Court:

Convicted of Contravening Pedestrian Crossing Regulations with a stationary vehicle.

Mr. Banta was fined £85.

DVLA driving licence endorsed with 3 Penalty Points.

24 May 2009

Mr. Banta was issued with a Fixed Penalty Notice for using a mobile phone whilst driving a motor vehicle.

DVLA licence endorsed with 3 Penalty Points.

10 December 2010:

Mr. Banta was issued with a Fixed Penalty Notice for Exceeding the Statutory Speed Limit on a Public Road.

DVLA licence endorsed with 3 Penalty Points

This means that Mr. Banta currently has 9 live penalty points on his DVLA licence.

3. Members are made aware that Mr Banta has declared these motoring offences, during each of the last two renewal applications. However, Officers are concerned that there is no record of Mr Banta having informed the Licensing Office, in writing of any of these motoring offences.
4. 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(e) of the licence requires:

The licence holder shall further inform the Council of any motoring fixed penalty endorsements received, in writing within 7 days of receiving the endorsement.

It would appear Mr Banta has breached this condition of licence, as there is no trace of him having complied with this condition in respect of the conviction or fixed penalty points endorsed on his DVLA licence.

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. Banta is a “fit and proper” person in light of the above motoring offences and breach of licence condition.
7. In deciding whether Mr. Banta 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.

Paragraph 18.5 requires the Committee to have regard to the following when considering previous convictions:

- Whether they are spent or unspent.
- The nature of the offence
- The age of the offence
- The apparent seriousness as gauged by the penalty
- The relevance of the convictions in relation to the promotion of the Licensing Objectives

Paragraph 19.1 states that the Council will have regard to fixed penalties when considering if an applicant is a “fit and proper” person.

Paragraph 19.3 states that similar provisions are proposed for existing drivers who receive endorsements on their driving licences.

Chapter 4 – Enforcement Policy

Paragraph 8.1 - Allows the Committee to revoke any licence where it is satisfied that the licence holder is no longer, for example 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 the 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 before 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 2 - states that motoring offences are relevant offences for considering the suitability of a person to retain a licence.

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