

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
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Ref:

Key Decision: No

Part: 1

Executive Summary:

Mr Michael Charles Eddy is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 6 February 2008. His current licence is due to expire on 5 February 2012.

On 22 June 2011, an E-Mail was received from Mr. Eddy informing the Licensing Department that he had been convicted of a motoring offence on the 21 June 2011.

Mr. Eddy 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/12322/15.7.11	Head of HR		Head of AM		Head of IT		Head of Strat. Procur.	
Originating CMF Member											

Report

1. Mr Michael Charles Eddy is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 6 February 2008. His current licence is due to expire on 5 February 2012.
2. On 22 June 2011, an E-Mail was received from Mr. Eddy informing the Licensing Department that he had been convicted of a motoring offence on the 21 June 2011. A memo of conviction was requested from Plymouth Magistrates' Court on 24 June 2011, and a reply was received on 7 July 2011. The details of the motoring conviction are given below:

On 21 June 2011 at Plymouth Magistrates Court:

Mr Eddy was convicted of driving a mechanically propelled vehicle, namely a motor vehicle registration number SE57 BRX, on 7 November 2010, on a road, namely the junction of William Prance Road with Tavistock 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 Eddy was fined £300, ordered to pay £15 victim surcharge and costs of £620 to the Crown Prosecution Service.

Mr Eddy had his DVLA driving licence endorsed with 5 penalty points.

By way of background information, Members are advised that Mr Eddy has appeared before them previously on the 19 March 2009. At that time, Members considered that Mr Eddy had received a motoring conviction in respect of speeding, and breaching his conditions of licence. On that occasion, his Private Hire driver licence was suspended for a period of two days.

At the time of writing this report Mr Eddy currently has 11 live penalty points endorsed on his DVLA driving licence. Members are also made aware that Mr Eddy was a Licensed Private Hire Licence holder at the time the above offences were committed.

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 for:-

“any other reasonable cause”.

4. Members are asked to consider whether Mr Eddy remains a “fit and proper” person in light of the above motoring conviction and what, if any sanction, needs to be applied to his Private Hire drivers licence.
5. In deciding whether Mr Eddy 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** – 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 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)
- 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

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 retraining, should the drivers' 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 6 – states that driving licence endorsements which includes fixed penalties are highly relevant, although having an endorsement will not automatically preclude a person from holding 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.

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