

CITY OF PLYMOUTH

Subject: Licensed Private Hire Driver Review of Licence Status
Committee Licensing Committee Hackney Carriage
Date: 14 October 2011
Cabinet Member: Glen Jordan
CMT Member: Director for Community Services
Author: George Curness - Taxi Licensing Officer
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Ref: ERS/LIC/GC/pha
Key Decision: No
Part: 1

Executive Summary:

Mr Peter Harold Allen is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 15 August 2005. Mr Allen has continued to renew his Private Hire driver's licence, and this current licence is due to expire on the 14 August 2012.

On 23 August 2011, Mr Allen attended the Licensing desk and surrendered his Private Hire driver's licence and I/D badge and informed the Licensing Office of a disqualification of his DVLA licence imposed by Bodmin Magistrates' Court on 26 July 2011

Mr Allen 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. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

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:

Fin		Leg	SD/2 2.9.1 1/12 870	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

Report

1. Mr Peter Harold Allen is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 15 August 2005. Mr Allen has continued to renew his Private Hire driver's, and this current licence is due to expire on the 14 August 2012.
2. On 23 August 2011, Mr Allen attended the Licensing desk and surrendered his Private Hire driver's licence and I/D badge and informed the Licensing Office of a disqualification of his DVLA licence imposed by Bodmin Magistrates' Court on 26 July 2011. A memorandum of conviction was subsequently obtained from Bodmin Magistrates' court on 9 September 2011, which revealed the information below:

On 26 July 2011 at Bodmin Magistrates' Court.

Convicted of driving a motor vehicle on 5 July 2011, namely a Ford Mondeo, registration number SB05FHT on a road, namely the A38, after consuming so much alcohol that the proportion of it in his breath, namely 58 microgrammes of alcohol in 100 millilitres of breath, exceeded the prescribed limit. Contrary to S5 (1) (a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988

Mr Allen was fined £100 and ordered to pay costs of £85 and a victim surcharge of £15, he was disqualified from driving for 16 months. The disqualification period could be reduced by 16 weeks if Mr Allen successfully completes a course approved by the Secretary of State by 5 June 2012.

An inspection of Mr Allen's DVLA licence reveals no other convictions or fixed penalties.

Members are made aware that at the time of this offence Mr Allen was licensed as a Private Hire driver.

3. A standard condition of licence exists which requires all Private Hire drivers to notify the Council of any convictions received during their 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 licensed driver to notify the Council's Licensing Unit **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.*

Members may consider that Mr Allen has breached this condition of licence, as it would appear that Mr Allen has not complied with this condition within the allotted time.

4. 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. Members are asked to consider whether Mr Allen is a "fit and proper" person in light of the above conviction, and what, if any sanction, needs to be applied to his Private Hire driver licence.

6. In deciding whether Mr Allen 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 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 1 – states that the disclosure of a criminal record or other information 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 alcohol related offences and motoring offences are relevant when considering the suitability of a person to hold or retain a licence, and includes disqualification from driving a motor vehicle at any time in the five years prior to applying for a licence, the time to run from the expiry of the disqualification.

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