

CITY OF PLYMOUTH

Subject: Licensed Private Hire Driver – Review of Licence Status
Committee Taxi Licensing Committee
Date: 19 April 2012
Cabinet Member: Councillor Jordan
CMT Member: Director for Place
Author: George Curness – Licensing Officer (Taxis)

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Ref: ERS/LIC/GC/aje

Key Decision: No

Part: I

Executive Summary:

Mr Andrew John England is a licensed Private Hire driver, having been first granted a Private Hire driver's licence by this Council on the 13 September 2010. His current licence is due to expire on 12 September 2012. On 7 February 2012 a message was received from Devon and Cornwall Police that Mr England had been issued with a fixed penalty notice for "no insurance".

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

Corporate Plan 2012 – 2015:

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:

It is recommended that the Members consider this matter.

Alternative options considered and reasons for recommended action

None.

Background papers:

None.

Sign off:

Fin		Leg	AZG/1406 7/9.3.12	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

Report

1. Mr Andrew John England is a licensed Private Hire driver, having been first granted a Private Hire driver's licence by this Council on the 13 September 2010. His current licence is due to expire on 12 September 2012. On 7 February 2012 a message was received from Devon and Cornwall Police that Mr England had been issued with a fixed penalty notice for the offence of driving with no insurance.
2. Details of the offence were received by e-mail stating that on Tuesday 7 February 2012, the Police had reason to stop a Private hire vehicle, registration number WF05ZVS in Barbican Approach. On checking the details of the driver and vehicle it appeared that there was no valid insurance held on that vehicle. The driver of the vehicle at that time was Mr Andrew England. When questioned further about this matter, Mr England accepted that there was no insurance held on the vehicle. He accepted a £200 fixed penalty notice and his DVLA licence was endorsed with 6 penalty points.
3. A letter was received from Mr England on 8 February 2012, notifying the Licensing Office of this fixed penalty notice. In that letter Mr England stated that the insurance was stopped when his partner forgot to pay the money for it into the bank. He states "This was not done deliberately and was a total mix up on our parts".
4. Officers have concerns that Mr England insures his vehicle on a weekly basis, and that this may lead to lapses in the insured periods.
5. A check on the DVLA licence held by Mr England shows previously there were no current points on his licence.
6. Members are asked to consider whether Mr. England is a "fit and proper" person and whether any action should be taken against his Private Hire Driver's licence in light of the above fixed penalty notice and licence endorsement.
7. 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 ~~ca~~
8. In reaching their decision, Members must have regard to the Council's Hackney Carriage and Private Hire Licensing Policy. 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 retraining, should the drivers’ suitability to retain a licence be called into question.

Guidance on the Relevance of Convictions

Paragraph 1 – states that a criminal record does not automatically prevent an 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 motoring offences are relevant offences for considering the suitability of a person to retain a licence.

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