

CITY OF PLYMOUTH

Subject: Licensed Private Hire Driver – Review of Licence Status
Committee Taxi Licensing Committee
Date: 6 September 2012
Cabinet Member: Councillor Coker
CMT Member: Anthony Payne, Director for Place.
Author: George Curness - Licensing Officer (Taxis)
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Ref: PPS/LIC/GC/crd
Key Decision: No.
Part: I

Executive Summary:

Mr Colin Robert Dyer is a Private Hire vehicle driver having been first licensed by this Council on the 1 March 2010. This licence has been periodically renewed and is due to expire on 28 February 2014.

On the 23 July 2012, information was received that indicated Mr Dyer had been disqualified from driving.

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

Corporate Plan 2012 – 2015:

This report links to the delivery of the City and Council priorities.

In particular: Provide value for Communities.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land:

Not applicable.

Other Implications: eg. Child Poverty, 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:

Sign off:

Fin		Leg	SD/15383/ 20.8.12	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											
Have you consulted the Cabinet Member(s) named on the report? No.											

Report

1. Mr Colin Robert Dyer is a Private Hire vehicle driver having been first licensed by this Council on the 1 March 2010. This licence has been periodically renewed and is due to expire on 28 February 2014.
2. On the 23 July 2012, information was received that indicated Mr Dyer had been disqualified from driving. A memo of conviction was requested from Plymouth Magistrates' Court, which was received on 24 July 2012. Details of the motoring conviction and subsequent disqualification are given below:

On 29 June 2012 at Plymouth Magistrates' Court

Mr Dyer was convicted of driving a motor car, namely CY58FOP, on 27 January 2012, on a road, namely Budshead Road, Plymouth at a speed exceeding 30 miles per hour.

Contrary to Road Traffic Regulation Act 1984 S.81(1) and S.89(1) and Schedule 2 to the Road Traffic Offenders Act 1988.

Mr Dyer was sentenced to a fine of £60 and ordered to pay costs of £60 and a victim surcharge of £15. His DVLA licence was endorsed with 3 penalty points.

Disqualification was obligatory due to repeat offending (totting), Mr Dyer was disqualified for 6 months, as it would not cause exceptional hardship.

3. At the time of the offence on 27 January 2012, Mr Dyer was a Private Hire driver, 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 shall notify the Council's Licensing Unit **in writing** of any conviction in a Court of Law in respect of any motoring offences, within 7 days. This includes fixed penalty fines and licence endorsements.*

It would appear that Mr Dyer has breached this condition of licence, as there is no trace of him having informed the Licensing Office, in writing, or otherwise, of his conviction on 29 June 2012.

4. The vehicle CY58FOP is a licensed Private Hire vehicle, licence plate number 360, licensed to Mr Dyer at the time of the offence.

5. An inspection of Mr Dyer's DVLA licence reveals two other current endorsements for speeding, on 25 March 2010 and 23 October 2010. It would appear that as 12 penalty points are required when disqualification is considered, Mr Dyer had failed to inform the Licensing Office of a further endorsement of 3 penalty points.
6. Members are asked to consider whether Mr. Dyer is a "fit and proper" person in light of the motoring offences and disqualification contained within this report and the failure to report the conviction in accordance with his licence conditions. In deciding whether Mr. Dyer is a "fit and proper" person, Members must have regard to the Council's Hackney Carriage and Private Hire Licensing Policy.
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 cause.
8. 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.
2.
 - Consideration of history of convictions and actions,
 - Driver training, qualification and performance,
 - Health and fitness to fulfill the role, and
 - Crime prevention measures.
3. **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 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, for example, no longer a ‘fit and proper’ person.

Paragraph 8.2 - Requires that when considering revocation, the Committee will take into account all relevant facts and circumstances including 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 them to complete further training or re training should the driver’s 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.

Paragraph 8 – states that any driver who receives a conviction within their licence period will be referred to the Taxi Licensing Committee in order that the status of their licence may be reviewed. The above guidance will be followed in such cases.

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