

PLYMOUTH CITY COUNCIL

Subject: Licensed Private Hire Driver – Review of Driver Licence Status

Committee: Taxi Licensing Committee

Date: 28 February 2013

Cabinet Member: Councillor Coker

CMT Member: Anthony Payne (Director for Place)

Author: George Curness – Licensing Officer (Taxis)

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Ref: ERS/LIC/GC/ps

Key Decision: No

Part: I

Purpose of the report:

For Members of the Committee to consider the review of the Private Hire drivers licence held by Mr Petr Sich, having due regard for the information contained within the report, any representations made by Mr Sich and the Taxi Licensing Policy of the Council.

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: e.g. 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.

Equality and Diversity

Has an Equality Impact Assessment been undertaken - No

Recommendations and Reasons for recommended action:

That Members of the Licensing Committee consider this report.

Alternative options considered and rejected

None.

Published Work/Information

None

Background papers:

None

Sign off:

Fin		Leg	SD/24.1.13/I 6682	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report? No													

Report

1. Mr. Petr Sich is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by this Council on the 23 February 2007. At the time of writing this report his current licence is due to expire on 22 February 2013.
2. On 26 November 2012, a letter was received from Mr Sich informing the Licensing Office of a conviction in a Magistrates' Court. The details of the offence taken from the DVLA licence are,

On 30 October 2012 at Newton Abbott Magistrates' Court,

Mr Sich was convicted of Exceeding the Statutory Speed Limit on a Public Road on **11 April 2012**.

Mr Sich was sentenced to a fine of £300 and his DVLA counterpart was endorsed with 3 penalty points. Mr Sich would have had to pay a victim surcharge of £15.

Mr Sich currently has 6 penalty points on his UK DVLA counterpart.

3. On the 31 March 2011, Members considered two convictions received by Mr Sich on the 10 November 2010 which related to using a mobile telephone on 30 August 2010, for which he was fined £50 and had his UK counterpart licence endorsed with 3 penalty points and using a vehicle with a defective tyre on 30 August 2010 for which he was fined £100. On this occasion the committee decided to issue Mr Sich with a warning. Mr Sich was warned that this may be taken into account at any future hearing.
4. Standard condition of licence number 1(c) requires drivers of Private Hire vehicles to notify the Licensing Unit in writing of any conviction in a court of law in respect of any motoring offences following the grant of a licence within 7 days. Mr Sich has stated in a letter to this office that he could not comply with this condition because he was out of the country when the notification letter was sent to his home address. A copy of that letter is reproduced as Appendix A.
5. Members are asked to consider whether Mr Sich is a 'fit and proper' person in light of the above conviction and possible breach of licence condition, and determine what, if any sanction, should be applied to his Private Hire driver licence.
6. 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.
7. 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 see below)
- Previous history as a licence holder

Paragraph 18.2 requires that in considering whether a person is no longer a ‘fit and proper’ person 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 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 10.1 – States that a disciplinary hearing is for any matter concerning the breach of any licence condition or statutory regulation that may require a sanction being sought against any licence, and is determined by the Licensing Committee (Hackney Carriage)

Paragraph 10.2 - Gives the Committee the discretion to direct a driver appearing 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 motoring offences are relevant offences for considering the suitability of a person to hold or retain 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.

8. Members are made aware that Mr Sich has not completed the qualification in Transporting Passengers by Taxi and Private Hire.
9. Mr. Sich has been invited to attend this Licensing Committee in order that this matter may be considered.

Appendix A

**Public Protection Service
Licensing Section
Floor 6 Civic Centre
Plymouth
PL1 2AA**

**Licence number: 2268
Date: 21.11.12**

Sirs,

**I would like to inform you about change in my Counterpart Driving Licence
(copy attached)**

**The change is dated 30.10.12 but the Counterpart with my driving licence
was delivered to my address between 5th and 14th November when I was
in the Czech Republic. Itinerary included
That's why I could not let you know within 7 days of receiving**

**Many thanks for unedrstanding
Kindness regards**

Petr Sich