

PLYMOUTH CITY COUNCIL

Subject: Licensed Private Hire Driver – Review of Licence Status
Committee: Taxi Licensing Committee
Date: 30 May 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/js
Key Decision: No
Part: I

Purpose of the report:

For Members of the Committee to consider the review of the Restricted Private Hire drivers licence and Operator's licence held by Mr Jeremy Patrick Stevens, having due regard for the information contained within the report, any representations made by Mr Stevens 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:

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 Taxi Licensing Committee consider this report.

Alternative options considered and rejected

None.

Published Work/Information

None

Background papers:

None

Sign off: comment must be sought from those whose area of responsibility may be affected by the decision, as follows (insert initials of Finance and Legal reps, and of HR, Corporate Property, IT and Strat. Proc. as appropriate)

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|---|--|-----|------------------------|------------|--|----|--|--------|--|----|--|---------------|--|
| Fin | | Leg | 17479/AZG/15 .05.13 | 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 Jeremy Patrick Stevens is a licensed Restricted Private Hire vehicle driver, having been first granted a licence by this Council on the 1 September 2009. At the time of writing this report his current licence is due to expire on 31 August 2013. He is the licensed Operator of private hire vehicles, trading as Pilgrim Pickups, solely for air and seaport transfers. This licence was granted on 12 February 2009 and has been renewed annually. The current operator's licence is due to expire on 12 February 2014.
2. During 2012, following information received, an investigation was made into allegations that Mr Stevens had used unlicensed vehicles and drivers to carry out airport transfers. The Council, after due consideration, prosecuted Mr Stevens for those offences, the details of the convictions are that :

On 3 May 2013 at Southwest Devon Magistrates' Court;

Mr Stevens pleaded guilty and was convicted of offences contrary to the Road Traffic Act 1988 S.143 and Plymouth City Council Act 1975 S.3, namely :-

Using a vehicle as a private hire vehicle knowing that the vehicle did not have a private hire vehicle licence in place, contrary to s3 (1) (a) Plymouth City Council Act 1975.

Permitting a vehicle to be used as a private hire vehicle knowing that the vehicle did not have a private hire vehicle licence in place, contrary to s3 (1) (a) Plymouth City Council Act 1975.

Operating a vehicle as a private hire vehicle, knowing that the driver of that vehicle was not licenced as a private hire driver, contrary to s3 (1) (e) (ii) Plymouth City Council Act 1975.

Operating a vehicle as a private hire vehicle, knowing that no private hire vehicle was in place for that vehicle, contrary to s3 (1) (e) (i) Plymouth City Council Act 1975.

Operating a further vehicle as a private hire vehicle, knowing that no private hire vehicle licence was in place for that vehicle, contrary to s3 (1) (e) (i) Plymouth City Council Act 1975.

Using a vehicle on a road (or other public place) which did not have a policy of insurance or such a security in respect of third party risks in force in relation to the use of the vehicle, in that the policy of insurance did not cover the use of the vehicle for hire and reward contrary to s143(1) (a) and (2) of the Road Traffic Act 1988.

3 x counts of causing or permitting others to use a vehicle on a road (or other public place) in Plymouth when there was no policy of insurance or such orhter security in respect of third party risks, in place in relation to the use of that vehicle in that the policy of insurance did not cover the use of the vehicle for hire and reward, contrary to s143(1) (b) and (2) of the Road Traffic Act 1988.

Mr Stevens was sentenced to a total fine of £1100 due to the amount of journeys completed and his DVLA licence was endorsed with 30 penalty points Mr Stevens was ordered to pay £1300 costs and a victim surcharge of £15. Magistrates' stated that they did not find exceptional hardship and decided to impose a driving disqualification for 6 months under the "totting" rules.

3. During the course of the investigation, officers spoke to customers of "Pilgrim Pickups" and all agreed that the service provided by Mr Stevens business was of a very good quality and that the

drivers were very helpful and efficient.

4. Members are asked to consider whether Mr Stevens is a 'fit and proper' person in light of the above, and determine what, if any sanction, should be applied to his Restricted Private Hire driver's licence and operator's licence.
5. 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.

Section 20 (1) of the Plymouth City Council Act 1975 which empowers the Council to suspend, revoke or refuse to renew the licence of an operator's licence, for any offence under the provisions of this Act, or any other reasonable cause.

6. 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 Taxi 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.

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