

PLYMOUTH CITY COUNCIL

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

Committee: Taxi Licensing Committee

Date: 4 July 2013

Cabinet Member: Councillor Coker

CMT Member: Anthony Payne, Director for Place

Author: George Curness – Licensing Officer (Taxis)

Contact: Tel. 01752 307964
e-mail george.curness@plymouth.gov.uk

Ref: ERS/LIC/GC/ajs

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 held by Mrs Amanda Maureen Stevens, having due regard for the information contained within the report, any representations made by Mrs 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 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)

Fin		Leg	17481/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. Mrs Amanda Maureen Stevens is a licensed Restricted Private Hire vehicle driver, having been first granted a Restricted Private Hire driver's licence by this Council on the 1 September 2009. At the time of writing this report her current licence is due to expire on 31 August 2013.
2. During 2012 an investigation into the activities of an Operator of private hire vehicles led officers to believe that Mrs Stevens had driven a vehicle without a correct motor insurance policy. After further investigation, the Council decided to prosecute Mrs Stevens for that offence, the details of the conviction are as follows :-

On 3 May 2013 at South and West Devon Magistrates' Court,

Using a motor vehicle on a road (or other public place) in Plymouth 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) of the Road Traffic Act 1988.

Mrs Stevens pleaded guilty and was sentenced to a fine of £200 and her DVLA licence was endorsed with 8 penalty points due to the amount of journeys completed. Mrs Stevens was ordered to pay £100 costs and a victim surcharge of £15.

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

6. Members are made aware that this hearing has been adjourned from 30 May 2013 at the mutual agreement of Members and Mrs. Stevens
7. Mrs Stevens has been invited to attend this Licensing Committee in order that this matter may be considered.