

Committee: Licensing and Environmental Health

Agenda Item

Date: 29 August 2017

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Title: **Determination of a Private Hire/Hackney Carriage Drivers Licence**

Author: Matthew Chamberlain, Enforcement Officer,
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Item for decision:
yes

Summary

This report has been submitted for members to consider suspension or revocation of a joint private hire/hackney carriage driver's licence. The suspension or revocation of the drivers licence is in accordance with section 61(1)(a)(i) Local Government (Miscellaneous Provisions) Act 1976 under the heading "been convicted of an offence involving dishonesty, indecency or violence."

Recommendations

The committee to determine whether the individual should have their private hire/hackney carriage driver's licence revoked.

Financial Implications

None arising from this report

Background Papers

1. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
 - a. Uttlesford District Council licensing standards for drivers.
 - b. Email between 24x7 Limited and the Enforcement Officer dated 5-6 July 2017.
 - c. News article from Essex Live dated 28 June 2017.

Impact

Communication/Consultation	None.
Community Safety	The authority has a duty only to licence drivers who are considered to be fit and proper.
Equalities	None.
Health and Safety	None.
Human Rights/Legal	Under section 61 of the LG(MP)A district

Implications	<p>councils may suspend or revoke a drivers licence for:</p> <p>(a) That since the grant of the licence he has-</p> <p>(i) been convicted of an offence involving dishonesty, indecency or violence; or</p> <p>(ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of the Act; or</p> <p>(b) any other reasonable cause.</p> <p>In the event of a licence being suspended or revoked a driver has the right of appeal to a Magistrates Court.</p>
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

1. Mr Jeffrey Bakewell of 94 Cedar Avenue, Wickford, Essex, SS12 9DX currently holds a joint private hire/hackney carriage driver's licence (PH/HC0441) which is due to expire on 31 December 2018. He received his current licence with this Authority on 01 January 2016. He has been licensed with this Authority since 07 January 2015.
2. Up until recently Mr Bakewell was driving for 24x7 Limited carrying out school contract work.
3. On 05 July 2017, the Enforcement Officer for the Council received an email from Mr Mahoney, Director of 24x7 Limited who notified the Officer that he had just found out that Mr Bakewell had been sentenced to five years imprisonment.
4. Mr Mahoney supplied a link to a report on the Essex Live website which explained the reasons for Mr Bakewell's imprisonment. It appears that Mr Bakewell had set himself up as a tax advisor and instructed a number of clients how to fraudulently claim £1.5 million in tax repayments. HMRC led the investigation and uncovered that Mr Bakewell managed to keep around £300,000 from his clients fake claims. Mr Bakewell did not register with HMRC as a legal tax agent nor did he complete due diligence checks on his clients or keep records as required by the money Laundering Regulations. Mr Bakewell was jailed for five years at Chelmsford Crown Court on 26 June after admitting tax fraud.

5. Mr Bakewell no longer meets the licensing standards for drivers (point 5), that reads 'No criminal convictions for an offence of dishonesty, indecency, or violence in respect of which a custodial sentence (including a suspended custodial sentence) was imposed.'
6. Therefore, as Mr Bakewell has been convicted on an offence of dishonesty and is currently serving a five year prison term then he no longer meets licensing standards for drivers and members may wish to consider revocation of his licence.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
An unsuitable person may be licensed to drive licensed vehicles.	1- Members have an awareness of what constitutes a fit and proper person.	4- Permitting unfit persons to drive a private hire/hackney carriage vehicle may put the public at risk.	Members consider whether the driver remains a fit and proper person as he has been convicted of an offence of dishonesty and is currently serving a prison sentence.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.