

Committee: Licensing Committee
Date: 27 September 2005
Agenda Item No: 2
Title: Suspension/Revocation of a Private Hire Driver's Licence
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Summary

- 1 This report deals with a matter where a licensed private hire driver has failed to comply with the conditions attached to his private hire driver's licence. The condition that is breached is one where the licence holder has failed to notify the Council of three Road Traffic Act convictions. Any conviction must be reported within 7 days of it being imposed.
- 2 As a result of these conditions the licence standards are not met by virtue of having more than three minor motoring offences during the previous three years.

Background

- 3 On 11 October 2000 Russell Higgins of 72 Brick Kiln Way, Braintree, Essex was granted a private hire driver's licence to drive licensed vehicles operating out of Stansted Airport. This licence is an annual licence and has been renewed every year. His current licence expires on 30 September 2005.
- 4 Upon the annual renewal every driver does receive a copy of the current conditions relating to the issue of the private hire driver's licence.
- 5 On 26 August 2005 the Council became aware of an article written in the Saffron Walden Weekly News concerning three drivers appearing before Harlow Magistrates' Court, charged with offences relating to exceeding the speed limit.
- 6 The sentence of the Court was that one driver be disqualified from driving for a period of six months and the remaining two being allowed to keep their licence on grounds of exceptional hardship.
- 7 Following these reports enquiries were commenced with Checker Cars who are based at Stansted Airport and it transpires that all three drivers were currently in their employment as private hire drivers.
- 8 On 12 September 2005 Mr Higgins was interviewed by the Licensing Officer at the Council Offices, Saffron Walden, where he gave the following details which led to his convictions.

- 9 On 7 February 2003 Mr Higgins was working as a private hire driver travelling along the M11 northbound between Junctions 7 and 8 taking passengers from Luton Airport to Thaxted. The offence occurred at about 1.00 am with good road and weather conditions prevailing. In explanation Mr Higgins states that he was asked by one of his passengers to try and reach Thaxted as soon as practicable. Whilst travelling along this stretch of motorway he was followed by the police who recorded his speed at 82 mph with the speed limit on the motorway being 70 mph. He was dealt with under the Fixed Penalty procedure which attracted a fine of £60 with three penalty points being endorsed on his DVLA Driving Licence.
- 10 On 24 August 2004 Mr Higgins was working as a private hire driving in London having dropped off his passengers and was returning to Stansted Airport. The offence took place at about 2.30 am and was detected by a static camera when his vehicle was travelling at 36 mph in a 30 mph area. The weather and road conditions prevailing at the time were good. He was dealt with under the Fixed Penalty procedure which attracted a fine of £60 with three penalty points being endorsed on his DVLA driving licence.
- 11 On 15 November 2004 Mr Higgins was working as a private hire driver in Leicester conveying passengers from Stansted Airport to their home address. He was unfamiliar with the area and was being directed by the passengers to their final destination. He became slightly distracted listening to the directions that were being given and passed a static camera travelling at 37 mph. The road he was driving along was restricted to 30 mph. He was dealt with under the Fixed Penalty procedure which attracted a fine of £60 with three penalty points being endorsed on his DVLA Driving Licence. He describes the weather conditions as being good.
- 12 On 21 March 2005 Mr Higgins was working as a private hire driver travelling from the north side of the airport to the Main Terminal with no passengers on board. He had entered the A120 at the junction with Priory Wood roundabout which is subject to a 50 mph speed limit. The speed of his vehicle was checked by the police using a hand held device which registered 64 mph. At the time of this offence he describes the weather conditions as being good, and it was about 1.00 am.
- 13 Having accumulated 9 penalty points within a three-year period he was unable to be dealt with under the Fixed Penalty procedure and thus the matter had to be referred to the Magistrates' Court.
- 14 Where a driver accumulates twelve penalty points within the same period then disqualification from driving is mandatory unless special circumstances can be put forward by a defendant which are accepted by the Court.
- 15 On 14 June 2005 Mr Higgins appeared before Harlow Magistrates' Court and pleaded guilty to the offence committed on 21 March 2005. He was legally represented and following the mitigation that was submitted, the Court decided not to disqualify on grounds of exceptional hardship, but to impose a fine of £60 and order that three penalty points be endorsed on his licence.

- 16 Mr Higgins does work permanent nights at Stansted Airport as he is a single parent bringing up his 15 year old daughter who needs transportation to school as no other form of public transport is available.
- 17 Should Mr Higgins retain his private hire driver's licence then he would continue to be employed by Checker Cars.

RECOMMENDED that

- (a) the Committee determine whether or not Mr Higgins is still a fit and proper person to hold a private hire driver's licence.
- (b) In the event of him appealing against the decision of the Committee, a Member is nominated to give evidence at Court on behalf of the Committee.

Background Papers: DVLA Driving Licence.
Letter from Checker Cars.