

Committee: Licensing Committee
Date: 27 September 2005
Agenda Item No: 3
Title: Supervision/Relocation 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 this Council of three Road Traffic Act conditions being recorded. 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 17 May 1999 Simon Miller of 35 Saxon Drive, Witham, 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 31 March 2006.
- 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 5 September 2005 Mr Miller rang the Licensing Officer to discuss the matter which led to him being disqualified from driving. He declined a personal interview but was advised to write a letter giving details of his latest conviction, which he did.

- 9 On an unspecified date Mr Miller was working as a private hire driver returning empty to Stansted Airport having dropped off passengers in London. He had left the M11 and was travelling on the A120 towards the Main Terminal. The section of road that he was driving along is subject to a 50 mph albeit it is a dual carriageway. The speed of his vehicle was checked by the Police using a hand held device, which registered 72 mph. Mr Miller describes the road as being clear and this incident occurred between the hours of 1.00 am and 2.00 am.
- 10 The other offences of excess speed occurred on 28 October 2002, 17 March 2003 and 24 August 2003 of which there are no other details. On each of these occasions Mr Miller 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 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.
- 12 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.
- 13 On 14 June 2005 Mr Miller appeared before Harlow Magistrates' Court and pleaded guilty to the latest offence he had committed. He was legally represented and in sentencing the Court ordered that he be disqualified from driving under the "totting up" procedure for a period of six months..
- 14 If Mr Miller is allowed to retain his licence he will be able to return to driving as a private hire vehicle driver when he regains his driving licence in February 2006.

RECOMMENDED that

- (a) the Committee determine whether or not Mr Miller 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 Mr Miller.