

Committee: LICENSING COMMITTEE
Date: 27 September 2005
Agenda Item No: 4
Title: SUSPENSION/REVOCAION 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 conditions are not met by virtue of having more than three minor motoring offences during the previous three years.

Background

- 3 On 15 June 1999, Roy Moring of 74 Sycamore Field, Harlow, 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 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 14 September 2005 Mr Moring 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 13 September 2002 Mr Moring had left work for the day at Stansted Airport and was returning home at about 12 midday. His route took him onto the M11 southbound carriageway where road works were in place. For the duration of these works a 40 mph speed limit was imposed. Situated at a location adjacent to these road works was a static camera which recorded Mr Moring travelling at 50 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. The road conditions were described as being very good
- 10 On 19 September 2002 Mr Moring left Stansted Airport at about 12 midday with a passenger to travel to London. His route took him onto the M11 southbound carriageway and through the road works that were still in place. On this occasion his speed was recorded by a static camera as 50 mph. He describes the road conditions as being very 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 9 March 2003 Mr Moring was driving through Danbury returning to Stansted Airport having dropped off a passenger. The time was early afternoon with good road conditions prevailing. He was travelling along a road which was subjected to a 30 mph speed limit and was detected by a static camera travelling at 45 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.
- 12 On 2 April 2005 Mr Moring left Stansted Airport at about 8.00 pm with passengers on board to travel to London. His route was via the A120 and onto the M11 southbound carriageway. He was approaching the junction with Priory Wood Roundabout where the national speed limit drops from 70 mph to 50 mph. He entered the lower speed area travelling at about 70 mph whereupon he was followed by the Police who subsequently stopped him for exceeding the speed limit and reported him for the offence.
- 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 Moring appeared before Harlow Magistrates' Court and pleaded guilty to the offence committed on 2 April 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 Moring continues to work at Stansted Airport having suffered a recent bereavement.

- 17 Should Mr Moring 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 Moring 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.