

**EXTRAORDINARY LICENSING COMMITTEE held at 2.30 pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 29 MARCH 2007**

Present:- Councillor J I Loughlin – Chairman.  
Councillors E W Hicks, R M Lemon and A R Row.

Officers in attendance:- M Hardy, M Perry and C Roberts.

LC76

**CONSIDERATION OF A PRIVATE HIRE DRIVER'S LICENCE**

The Committee considered the situation arising when a licensed private hire driver no longer met the Council's licensing standards due to having been convicted of a serious motoring offence (one where six or more penalty points had been endorsed on the driver's licence). The Assistant Chief Executive explained that the driver had asked for the hearing to be postponed, saying that he had only picked up the letter at his home the previous day and that he had another appointment. The Assistant Chief Executive added that in this case an earlier letter which had been sent to the driver would have alerted him to expect the meeting to be called. Members needed to take a decision whether or not to adjourn the matter at the driver's request.

Members felt that the hearing before the Committee was a very important matter as potentially it affected the livelihood of the driver. He had not given any explanation as to why, if he was away from home, he had not made arrangements for his post to be forwarded or diverted even though he knew a hearing before the Committee was imminent. He had not explained what his other appointment was or why he could not re-schedule that appointment to enable him to attend the Committee meeting. Having read the report of the Licensing Officer Members also doubted that there was much the driver could significantly add in support of his case and noted that he could have sent the documentary evidence he was asked to produce in support of his case in advance of the meeting. In the circumstances Members were of the view that the hearing should proceed in the driver's absence.

The Assistant Chief Executive explained that the driver had said his insurance had been cancelled without notice because his bank had, also without notice, failed to maintain the direct debit which paid for the insurance due to a disagreement over a disputed credit card payment. He advised the Members that although the driver had been requested to provide letters of confirmation from his bank and/or building society, he had not done so.

Members commented that in their own experience banks and insurance companies gave a warning before cancelling direct debits or insurance.

The Assistant Chief Executive said the courses of action open to the Committee were revocation of licence or no action. A third course of action, suspension of the licence for a period, was not appropriate since it amounted to a punishment and the driver had already received punishment for the offence. The question to be determined was therefore whether the driver was

still a fit and proper person to hold a licence. In determining this question the Committee could take into consideration only the circumstances of the offence, not the offender's personal circumstances.

Since the driver was not present the Licensing Officer withdrew from the room at 2.35pm.

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## **CONSIDERATION OF A PRIVATE HIRE DRIVER'S LICENCE – DECISION**

The Licensing Officer was recalled to the meeting and the Chairman read the following decision:

The Committee had considered the report of the Licensing Officer and the explanation put forward by the driver, Mr Howard, that his bank had cancelled standing orders without notifying him that it had done so and that his insurance company had failed to notify him that his driving policy had been cancelled for non-payment of instalments of his insurance premium. The Committee noted that the driver, Mr Howard, had been invited to supply letters from his bank and insurance company to confirm that this was the case and that notification had not been given to him. The driver, Mr Howard, failed to supply these letters. The presence of six penalty points on the drivers licence for one offence constituted a serious motoring offence within the definition of the Council's Licensing Standards.

Where a driver has six points for one offence within the last three years, he is not considered to be a fit and proper person within the meaning of the Council's policy. The Committee did consider whether there were reasons to depart from this policy and had Mr Howard's case been supported by the documentary evidence requested, they would have found that he remained a fit and proper person to hold a licence. However, in the absence of such evidence and based on the information which some Members had received from their banks relating to banking procedures, Members felt that Mr Howard's case lacked credibility. Members determined that there was no reason to make an exception to the policy and as under the policy Mr Howard was not considered to be a fit and proper person to hold a Private Hire Vehicle Driver Licence his licence would be revoked.

The meeting ended at 3.40 pm.