

Committee: Licensing

Agenda Item

Date: 30 May 2007

2

Title: Consideration of a Private Hire Driver's Licence

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Item for decision

Summary

This report deals with a matter where a licensed private hire driver has been convicted of an offence under Section 57 (3) Local Government (Miscellaneous Provisions) Act 1976 whilst being the holder of a valid licence.

Recommendations

The Committee determine

- 1 Whether or not to revoke Mr Cheung's licence under Section 61 (1) (ii) Local Government (Miscellaneous Provisions) Act 1976 on the basis that he has been convicted of an offence under Part II of that Act.

Background Papers

- Notification of Conviction via email from Christine Oliva, Solicitor Uttlesford District Council.
- Uttlesford District Council Application Form

Situation

- 1 On 9 November 2006 Hei-Cheung Cheung of 10 Park Avenue, Harlow, Essex made application for the grant of a Private Hire Driver's Licence to drive on behalf of Central Cars who are based at Stansted Airport.
- 2 The application process does include vetting by the Criminal Records Bureau, undertaking and passing a medical examination and completion of the appropriate application form. One of the questions on the application form relates to whether or not the applicant has ever been refused a licence or had one either revoked or suspended. If the answer to this question is in the affirmative then details are requested of the applicant.
- 3 In answer to this question Mr Cheung answered No. He also indicated that he was licensed with Harlow District Council as a Private Hire Driver.
- 4 Having successfully completed the application process he was issued with a Private Hire Driver's Licence on 28 November 2006.
- 5 After the licence was issued information came to light that Mr Cheung had in fact been suspended from driving by the Licensing Committee of Harlow District Council for a period of 2 months commencing on 14 November 2005.

This action was taken because Mr Cheung had operated a Private Hire Vehicle without the appropriate licence being in force.

- 6 Mr Cheung lodged a notice of appeal with the Essex Magistrates Court Service which allowed him to continue to operate pending the outcome of the appeal.
- 7 On 7 April 2006 this matter was heard before Harlow Magistrates Court and after due deliberation the appeal was dismissed and Mr Cheung was ordered to pay costs amount to £470.
- 8 The suspension of his Private Hire Driver's Licence then took effect immediately and ended on 7 June 2006.
- 9 Officers from this Authority then acted on this information resulting in Mr Cheung being interviewed at these offices in accordance with the Police and Criminal Evidence Act 1984. Following that interview he was reported for the offence of making a false declaration to obtain a licence.
- 10 Legal proceedings were taken against him and on the 27 April 2007 he again appeared before Harlow Magistrates where he pleaded guilty to this offence and was fined £100 and ordered to pay £50 costs. In mitigation Mr Chueng told the Court that he had been distracted when he completed the application form due to his wife's serious illness and that he was looking after their children.