

Suspension or Revocation of a Private Hire Driver's Licence

Licensing Committee, Item 4

Committee: Licensing Committee

Agenda Item

Date: 17 June 2009

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Title: Suspension or Revocation of a Private Hire Driver's Licence

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Item for decision

Summary

- 1 The Local Government (Miscellaneous Provisions) Act 1976 sets out the requirements for licensing in connection with the Private Hire Trade. This includes licensing for drivers vehicles and operators. This act applies throughout England and Wales which is adoptive and this Council took measures to adopt the Act from 1 April 1992.
- 2 Once a driver's licence has been granted it may be suspended or revoked or the Authority may refuse to renew it on the grounds that since the grant of the licence the driver has been convicted of certain specified types of offences or (under s.61(1)(b)) for any other reasonable cause.
- 3 Where a driver no longer meets the Council's licensing standards that may be a reasonable cause to revoke or suspend the licence.

Recommendations

- 4 Members consider suspension or revocation of a Private Hire Driver's Licence in accordance with Section 61(i)(b) of the Act.

Background Papers

- 5 Letters from Mr Ellis dated 19 March 2009 and 30 May 2009.
Reminder letters sent to Mr Ellis regarding his medical and CRB check.

Impact

Communication/Consultation	Letters advising Mr Ellis that his CRB check and medical checks were due to have been sent to him at his home address.
Community Safety	The whole ethos of this Act is the safety of the travelling public and to assist in this objective CRB checks and medicals are an integral part.
Equalities	None

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Finance	None.
Human Rights	A licence is a possession, and interference with a possession may be contrary to Article 1 of the First Protocol of the European Convention of Human Rights. However such interference is permitted in accordance with the law in the general interest. Given the aim of the licensing legislation to safeguard the public the suspension or revocation of a licence under the LG(MP)A 1976 if the Council were not satisfied that the licence holder is a fit and proper person would be proportionate and consistent with the Act.
Legal implications	In the event of a licence being suspended or revoked an applicant has a right of appeal to a Magistrates Court. A driver may generally continue to drive while his appeal is disposed of. The Act provides that a licensing authority may not grant a licence to an individual unless it is satisfied that he or she is a fit and proper person the burden of proving that the "fit and proper person" test is satisfied falls upon the applicant/licence holder. Whilst it is legitimate for Councils to have policies, they may not be rigidly bound by them and must be prepared to make exceptions to policy in appropriate circumstances.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

- 6 On 21 June 2006 Glyn Ellis of 20 Hedgerows, Bishop's Stortford, Hertfordshire was granted a Private Hire Drivers Licence to drive on behalf of Central Cars based at Stansted Airport.
- 7 The expiry date for that licence was 31 March 2007. Since that date he has renewed his licence, albeit he did notify this authority on 24 March 2008 that he had changed operators and now works for Crocus Cars who are based in Saffron Walden.
- 8 Upon every application being received for such a licence it is incumbent on an individual to have been vetted by the Criminal Records Bureau to

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the enhanced level and successfully pass a medical to Group 2 standards.

- 9 These requirements are mandatory every three years albeit that due to our computerised licensing system the date for renewal of the licence, Criminal Records Bureau check and medical do not correspond all at the same time.
- 10 On 1 April 2009 Mr Ellis renewed his private hire driver's licence for a further 12 months but indicated that he was not actively using his licence at present, but would do in the future hence his renewal.
- 11 On 9 April 2009 Mr Ellis was sent a letter reminding him that his three yearly medical was due no later than 4 May 2009. Enquiries to date reveal that this is still outstanding.
- 12 On 14 May 2009 a further letter was sent to Mr Ellis reminding him that his three yearly Criminal Records Bureau Check was due no later than 19 June 2009. No appointment has been made to undertake this process.
- 13 Attempts to contact Mr Ellis have failed however following chase up correspondence to him a letter was received at these offices on 2 June 2009 indicating that he is unwilling to spend any further monies in respect of the Criminal Records Bureau check and the Group 2 medical.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
3 - If a person who does not meet the "fit and proper" test is permitted to drive a private hire vehicle he may be a danger or threat to members of the public	1 - there is no evidence to suggest that Mr Ellis has been convicted of an offence or is suffering from any medical condition which may affect his ability to drive	4 - If Mr Ellis no longer meets the "fit and proper test" significant harm could be caused to a member of the public if he were to resume driving as a private hire driver	Steps be taken to prevent Mr Ellis from driving as a private hire vehicle driver until he has undergone a medical examination to confirm that he still meets the Council's standards and until an up to date CRB check has been supplied.