

Committee: Licensing Committee

Agenda Item

Date: 27 September 2010

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Title: Determination of a Private Hire Driver's Licence

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Item for decision

Summary

1. This report is to inform members of an application to renew a private hire driver's licence.

Recommendations

2. The Committee determine this application

Background Papers

3. Copy of Licensing Standards
Copy of Private Hire Driver Conditions
DVLA Counterpart Licence
Application to renew Private Hire Driver's Licence
Letter of explanation from Mr Bloomfield
Correspondence from Hertfordshire Constabulary

Impact

- 4.

Communication/Consultation	None
Community Safety	The authority has a duty only to licence drivers who are considered to be fit and proper
Equalities	None
Finance	None
Health and Safety	None
Human Rights/Legal Implications	A Licence is a possession within the meaning of the Human Rights Act and individuals are entitled to the peaceful enjoyment of their possession, however interference with this right is permissible in accordance with the law for the public good. The licensing regime falls within this exemption.

	<p>Members are obliged to grant a licence to an applicant who holds a full current driving licence and has held one for at least 12 months but must not grant a licence unless they are satisfied that the applicant is a fit and proper person. In the event of the licence not being renewed then the applicant has right of appeal to the Magistrates Court.</p> <p>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.</p>
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

5. Barry Bloomfield of Lancaster Grange, Hatfield Broad Oak, Essex applied on 16 August 2010 to renew his Private Hire Driver's Licence to take effect from 1 September 2010. As part of the renewal process every driver makes a declaration as to whether his medical fitness to drive has been affected and if in the preceding 12 months he has been convicted of any offences which does include the issue of a Fixed Penalty Notice or is there any prosecution pending.
6. The renewal notice submitted by Mr Bloomfield indicates that there is no change to his medical condition but he did disclose a conviction on the 13 January 2010 for the offence of failure to give information as to the identity of a driver when requested. The Court imposed a fine of £120 and imposed 6 penalty points on his DVLA Driver's Licence.
7. With the imposition of the points being imposed on his licence this now brings him into conflict with our current licensing standards which indicate that where 6 or more points are ordered to be endorsed on a DVLA Driver's Licence then a driver ceases to meet our current licensing standards and that any application for renewal of a private hire driver's licence should be refused.
8. In addition our current Private Hire Driver Licence conditions state that where a driver is convicted of an offence then they must inform the Council in writing giving details of the offence and that this must be done within 7 days. In this particular case Mr Bloomfield did not inform the Council of his conviction within 7 days of that being imposed.

9. Currently the Licensing Department are presently unable to renew this application hence this matter being referred to this Committee.
10. Mr Bloomfield was invited to be interviewed by the Licensing Officer as to the circumstances that led to his conviction but he declined this offer and has submitted mitigating circumstances which are included as background papers.
11. Mr Bloomfield does hold a current Private Hire Operator's Licence trading as Play and Learn Childcare based in Great Dunmow and does employ 2 other licensed drivers.

Risk Analysis

12.

Risk	Likelihood	Impact	Mitigating actions
An unsuitable person may be licensed to drive	2 It is likely that Members will take note of the current licensing standards	3 The public may be put at risk	Members consider whether or not there are any grounds for departing from policy.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.