

# Determination of a Private Hire Driver's Licence

Licensing Committee, Item 2

**Committee:** Licensing Committee

**Date:** 30<sup>th</sup> March 2011

**Title:** Determination of a Private Hire Driver's Licence

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**Agenda Item**

**2**

Item for decision

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## Summary

This report has been submitted for members to consider suspension or revocation of a private hire driver's licence in accordance with Section 61(1) (a) Local Government (Miscellaneous Provisions) Act 1976 under the heading for any other reasonable cause.

## Recommendations

The Committee determine whether or not the licence should be revoked.

## Background Papers

Article in Herts and Essex News dated 3<sup>rd</sup> February 2011  
Copy of Joint Hackney Carriage/Private Hire Driver Conditions  
Counterpart Driving Licence in name of Timothy Dodds  
Copy of current Hackney Carriage/Private Hire Driver's Licence

## Impact

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 & Safety	None.
Human Rights/Legal Implications	In the event of a licence being suspended or revoked a driver has the right of appeal to a Magistrates Court.  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.

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	A licence is a possession within the meaning of the Human Rights Act and individuals are entitled to the peaceful enjoyment of their possessions. However interference with this right is permissible in accordance with the law for the public good. The licensing regime falls within this exemption.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

### Situation

- 1 On 3<sup>rd</sup> February 2011 a report appeared in the Herts and Essex News regarding a road traffic accident in which a taxi driver failed to stop after being involved in an accident. The newspaper named the driver as Timothy Dodds of Stoneyfield Drive, Stansted. A check of our current records shows a Timothy Dodds 18 Stoneyfield Drive, Stansted as being licensed with this authority working on behalf of Stansted Airport Cars. His current licence expires on 30<sup>th</sup> June 2011.
- 2 On 8<sup>th</sup> March 2011 Mr Dodds was interviewed by the Licensing Officer in the Council Offices, Saffron Walden as a result of this report appearing in the newspaper where he gave his account that led to his conviction. He admits that the report does relate to him.
- 3 During the evening of 31<sup>st</sup> July 2010 he was working on behalf of Stansted Airport Cars and found himself parked up in the overflow car park of the Hilton Hotel, Stansted Airport. He admits in interview that he was parked up out of the way reading a book waiting for the next job to come in. He did receive a booking via a mobile phone from his operator and then commenced to leave the car park at the hotel.
- 4 As he was leaving the car park he was confronted by another vehicle which did not leave him enough room to turn right to get by this vehicle. He alleges that he made three or four manoeuvres going back and forth even on one occasion winding down his drivers window asking the driver of the other vehicle to move the request of which was refused. He did finally manage to get past this vehicle and then drove off leaving the hotel premises. He finished his shift at about 3am the following day and then had three days leave.
- 5 On his return to duty a director of Stansted Airport Cars informed him that he was required to attend Stansted Airport Police Station where enquiries were being made regarding an allegation of a non stop road traffic accident at The Hilton Hotel in which he was believed to be a party involved. He duly attended the Police Station and admitted being the other driver involved. He

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was shown photographs by the Police of the damage sustained to the other vehicle which the repairs amounted to £1500. After interview he was reported for the offence of failing to stop after a road accident and advised that a summons to appear before Harlow Magistrates Court would be sought.

- 6 It appears that a court summons was sent to his home address by post which Mr Dodds states he never received. Following his non appearance at Court the Essex Police called at his home address arrested him for failing to appear and gave him what is commonly referred to as doorstep bail to appear before Harlow Magistrates Court.
- 7 On 18<sup>th</sup> January 2011 Mr Dodds appeared before the court with the intention of pleading not guilty and was told that the case would be adjourned for trial at Epping but the cost of the case could amount to about £600 money which Mr Dodds did not have so he changed his plea to one of guilty. Whilst at Court he did not seek any legal representation and could not afford to engage a lawyer to act on his behalf.
- 8 Following his change of plea the Court imposed a fine of £50 and imposed 5 penalty points on his DVLA driving licence.
- 9 Following the discovery of the newspaper report Mr Dodds does breach the conditions of his licence by failing to notify details of his conviction to this authority in writing within 7 days of the conviction being imposed.
- 10 Letters were sent by the Licensing Officer and the Assistant Chief Executive Legal to the home address of Mr Dodds asking him to make contact for interview which went unanswered and contact was finally made through a director of Stansted Airport Cars. Mr Dodds remains resident at his current address but alleges that his mail is very problematical in terms that he does not receive all that is addressed to him.

### Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
An unfit person is authorised to drive private hire vehicles in the district	1 – Members are aware of and apply our licensing standards	4 – Permitting unfit persons to drive or allowing the use of unlicensed (and therefore untested) vehicles may cause damage to property, personal injury or even death	None

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.