

Committee: Licensing and Environmental Health
Committee

Date: 3 July 2012

Title: Determination of a Combined
Private/Hackney Carriage Hire Driver's
Licence

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Agenda Item

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Item for
decision

Summary

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

Recommendations

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

Background Papers

Notification from Mr Jackson re his appearance before Feltham Magistrates Court.

Copy of the current Licensing Standards.

Copy of current combined Private/Hackney Carriage Hire Driver's Licence in the name of Andrew Jackson.

Copy of the current combined Private/Hackney Carriage Driver Conditions in the name of Mr A Jackson.

Letter of suspension to Mr Jackson from Michael Perry Assistant Chief Executive (Legal)

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	In the event of a licence being suspended

Implications	<p>or revoked a driver has the right of appeal to a 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>
	<p>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.</p>
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

- 1 On 9 September 2010 Andrew Jackson, 43 Cherrywood Avenue, Englefield Green, Egham, Surrey was issued with his first Private Hire Driver's Licence to drive on behalf of Carriages of Eden End who are based at Hatfield Broad Oak. The licence expired on 31 August 2011.
- 2 At the time of issue attached to that licence was a copy of the current conditions which a driver signs to acknowledge receipt and compliance with those conditions. As the licence is renewable on an annual basis Mr Jackson continued to hold that licence which now expires on 31 August 2012.
- 3 On 15 June 2012 Mr Jackson appeared before Feltham Magistrates Court charged with one offence of assault to which he pleaded not guilty. He was legally represented at Court and at the conclusion of the case he was found guilty and given a conditional discharge for 6 months and ordered to pay Court costs amounting to £300. As a result of him being convicted of this offence he now does not meet our licensing standards.
- 4 On 18 June 2012 the Licensing Officer did receive an e-mail from Mr Jackson advising the Council of the circumstances of his conviction. He has complied with the conditions of his licence by notifying this authority of a conviction within 7 days of its imposition.

- 5 On 29 June 2012 Mr Jackson attended the Council Offices, Saffron Walden where he gave an explanation which led to his conviction before Feltham Magistrates Court.
- 6 On 23 November 2011 Mr Jackson was working for Carriages of Eden End, and had been assigned to pick up two passengers at 8pm at Terminal 3 Heathrow Airport to take them to St Albans. At about 7.15pm he telephoned his controller to say that he was running late due to a previous assignment being late and that he might not be at the airport at the designated time. The controller told him to continue as there were no other drivers available at this time to do the pick up. At this point he was at Knightsbridge, London.
- 7 At about 7.55pm he received a telephone call from his controller stating that the two passengers had landed and were waiting for him landside in Terminal 3.
- 8 At 8pm he drove into the Multi-Story Car Park on Level 1 at Terminal 3 and as he was looking for a space to park his vehicle a parked car exited from the Car Park leaving an empty space which Mr Jackson drove into. He waited a few seconds in his vehicle recording his mileage and writing out his name board before leaving his car to walk on the footway into Terminal 3.
- 9 A parked vehicle was waiting at the side near to where the space had become available but this vehicle had not come to the attention of Mr Jackson. The driver of this vehicle then wound down his window and shouted words to Mr Jackson about him parking in this space which he was wishing to use having waited for the other car to depart. Mr Jackson alleges that this driver used foul language to him at which point he retorted that the vehicle should not have been parked there on the car park carriageway in the first place. This driver continued to use foul language towards Mr Jackson who then walked over to the vehicle seeing that the driver was sniggering at him which made him angry and at this point he used foul language to the driver of this vehicle.
- 10 Mr Jackson admits standing by the closed driver's door with the driver claiming that if he moved away from the car door he would confront Mr Jackson even further. Mr Jackson states that he did not impede the driver from alighting from his vehicle and was about 5 yards away when he noticed the driver attempting to get out and in doing so the driver's knee gave way resulting in the foot brake being released and as the vehicle was in gear it went backwards colliding with another vehicle that was stationary on the car park carriageway. Mr Jackson describes the collision as rear offside to front nearside.
- 11 After the collision had occurred he left the scene and walked into Terminal 3 collecting his two passengers returning to the scene. This took no more than 5 minutes and on his return he found that both drivers involved in the accident had gone. He did inform his passengers of this incident to warn them in case a further conflict situation should arise and to save them any embarrassment.

- 12 Towards the end of December 2011 Carriages did receive a call from the Metropolitan Police seeking the identity of the driver involved in this incident which was provided by the company.
- 13 On 19 January 2012 Mr Jackson attended voluntarily Heathrow Police Station as requested to answer questions regarding his involvement in this incident and denied the allegation of assault on the other driver. He was duly bailed and following CPS advice he received a summons alleging one offence of common assault. He did enter a plea of Not Guilty when he appeared before Uxbridge Magistrates Court and this was adjourned for trial before Feltham Magistrates Court.
- 14 He still does strongly deny the offence stating at no time did he use any violence towards the driver of the stationary car. There was an independent witness to this offence which does not support the version of events given to the Police by Mr Jackson.
- 15 His current employer has indicated that if a suspension were imposed or members felt that he still remained a fit and proper person then his services would be retained by the company.
- 16 The Council has adopted standards which it expects drivers licensed by the Council to meet during the period a licence is held. Whilst each case will be dealt with on its individual merits, licence holders who cease to meet these standards are likely to have their licence suspended or revoked or not renewed on application. One of those standards is that the driver should have no criminal convictions which are not deemed spent within the meaning of the Rehabilitation of Offenders Act 1974 and not to have been conditionally discharged for any offence in the last 5 years. By virtue of his conviction Mr Jackson fails to meet this criteria.
- 17 Members should note that following notification of Mr Jackson's conviction The Assistant Chief Executive (Legal) used his delegated powers to suspend the Combined Private Hire/Hackney Carriage Driver's Licence pending the outcome of this meeting

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 may cause damage to property, personal injury or even death.	Members revoke the licence held by Mr Jackson licence unless they are satisfied that he remains a fit and proper person.

1 = Little or no risk or impact

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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.