

| | | |
|-------------------|---|---|
| Committee: | Licensing and Environmental Health Committee | Agenda Item 11 Item for decision |
| Date: | 27th March 2013 | |
| Title: | Determination of a Combined Hackney Carriage/Private Hire Driver's Licence | |
| Author: | Murray Hardy (01799) 510598 | |

Summary

- 1 This report is to inform Members of an application for the renewal of a Combined Hackney Carriage/Private Hire Driver's Licence.

Recommendations

- 2 The Committee determine this application.

Background Papers

Copy of the application to renew a Combined Hackney Carriage/Private Hire Driver's Licence
Copy of DVLA Driver's Licence
Copy of current Combined Hackney Carriage/Private Hire Driver's Licence
Copy of Licensing Standards

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 and Safety | None. |
| Legal implications and Human Rights | 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 the application is refused the applicant has a 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. |

| | |
|-----------------------|-------|
| | |
| Sustainability | None. |
| Ward-specific impacts | None. |
| Workforce/Workplace | None. |

Situation

- 1 Robert Rodriguez of 9 Churchfield, Saffron Walden, Essex has made application to this authority for the renewal of a Combined Hackney Carriage/Private Hire Driver's Licence. Examination of the renewal form does disclose a pending prosecution for an offence of excess speed in a 50mph area on 30th August 2012. The alleged offence was on the B1383 road at Ugley.
- 2 This matter now means that Mr Rodriguez does not meet our licensing standards insofar as he now has a motoring offence pending. The relevant licensing standard states that an applicant should not have a pending prosecution for any criminal or motoring offence.
- 3 Whilst each case will be dealt with on its merits, applications for a new licence from a person who fails to meet these standards will not normally be renewed.
- 4 On 21st March 2013 Mr Rodriguez was interviewed in the Council Offices, Saffron Walden by the Licensing Officer where he gave an explanation that led to the circumstances which now results in him having to appear in a Magistrates Court.
- 5 On the evening of the 30th August 2012 Mr Rodriguez was driving a friend's Mercedes SLS Sports Car along the B1383 when he was stopped by Essex Police for exceeding the 50mph speed limit at Ugley. It is alleged by the Police that he was travelling at 65mph. He was given a fixed penalty ticket and asked to produce his driving licence and insurance at a Police Station.
- 6 Approximately 2 days later he called in at Saffron Walden Police Station where he produced his driving licence and a policy of insurance. He was given the opportunity to surrender his driving licence which is conducive in accepting a Fixed Penalty Notice plus 3 penalty points but did not take up this opportunity as he was about to go on holiday to Turkey and needed his licence to hire a car in that country.
- 7 He says that he did telephone the Fixed Penalty Office for Essex explaining the situation and was told that he would receive a reminder to produce his driving licence. He subsequently went on holiday but did not receive any reminder notice.

- 8 Early in February 2013 Mr Rodriguez did receive 2 summonses to attend Chelmsford Magistrates Court in order to answer two charges namely driving a motor vehicle at an excess speed and for driving a motor vehicle without insurance. The date for the hearing was set for 18th March 2013.
- 9 Mr Rodriguez in the documents that he received from the Court has indicated that he intends to plead guilty to the charge of exceeding the speed limit but not guilty to the offence of no insurance. The case has therefore been adjourned for trial at 10am on 9th April 2013 at Chelmsford. He contends that he has sent documentation to the Police indicating that he was covered to drive that motor vehicle on 30th August 2012.
- 10 Currently his Combined Licence will expire on 31st March 2013, however he does hold a Private Hire Operators Licence which is due to expire on 30th September 2013. He is based in Saffron Walden and is the operator for his company which trades as Abel Cars. He has been running this company since 15th September 2008.
- 11 He currently employs 5 drivers and operates 6 licensed vehicles.

Risk Analysis

| 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 there are any grounds for departing from their policy |