

Committee:	Licensing and Environmental Health Committee
Date:	27th March 2013
Title:	Determination of a Private Hire Driver's Licence
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Agenda Item

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Item for decision

Summary

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

Recommendations

- 2 The Committee determine this application.

Background Papers

Copy of the application to renew a Private Hire Driver's Licence
Copy of DVLA Driver's Licence
Copy of current Private Hire Driver's Licence
Copy of Licensing Standards
E-Mail from Mr Hodgson dated 31st October 2012

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.

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

Situation

- 1 David Hodgson, 15 Hubberd Road, Little Canfield, Essex has made application to this authority for the renewal of a Private Hire Driver's Licence. Examination of the renewal form does disclose details of an e-mail sent to this authority disclosing the issue of a fixed penalty notice for an offence of excess speed in a 50mph area on 30th October 2012. The alleged offence was on the A120 at Stansted Airport.
- 2 Following enquiries with Mr Hodgson he informed me that this matter is now being dealt with by way of a summons which means that Mr Hodgson 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 22nd March 2013 the author of this report spoke on the telephone with Mr Hodgson who confirmed that he had been issued with a Fixed Penalty Ticket and that on the 31st October 2013 he produced his driving licence at Stansted Airport Police Station which was receipted by an on duty Police Officer. The Fixed Penalty Ticket was returned to Mr Hodgson which he sent to the Fixed Penalty Office for Essex along with the fee of £60. His driving licence was retained by the Police and he was lead to believe that the officer would forward it on to marry up with the ticket and his £60 payment.
- 5 On the 24th February 2013 all of his documents were returned to him at his home address along with the fee of £60. It now transpires that the Fixed Penalty Ticket procedure was not complied with resulting in a summons being issued to appear before Chelmsford Magistrates Court on 9th April 2013 to answer the charge of exceeding a speed limit. Mr Hodgson intends to plead guilty to this matter.
- 6 From the outset Mr Hodgson was content to be dealt with under the Fixed Penalty Scheme thus avoiding the need for a court appearance, however he alleges that the failure of Essex Police to forward his licence to the relevant department within the prescribed time period leaves him not alternative but to be dealt with by a Court.
- 7 Currently his Private Hire Licence will expire on 31st March 2013. Should the licence be renewed his will be offered continued employment with 24 x 7 who are based at Stansted Airport.

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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