

Determination of a Private Hire Driver's Licence  
Licensing Committee, Item 2

<b>Committee:</b>	<b>Licensing Committee</b>	<b>Agenda Item 2</b>
<b>Date:</b>	<b>4<sup>th</sup> June 2013</b>	
<b>Title:</b>	<b>Determination of a Combined Private/Hackney Carriage Hire Driver's Licence</b>	
<b>Author:</b>	<b>Murray Hardy (01799) 510598</b>	Item for decision

### Summary

This report has been submitted for members to consider revocation of a Combined Hackney Carriage/Private Hire driver's licence in accordance with Section 61(1) (a) Local Government (Miscellaneous Provisions) Act 1976 that since the grant of the licence Mrs King has been convicted of an offence which involves dishonesty.

### Recommendations

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

### Background Papers

- A. E-Mail Notification from Mrs King re her conviction at court dated 8<sup>th</sup> May 2013
- B. Copy of her current Combined Private/Hackney Carriage Hire Driver's Licence
- C. Copy of the current driver licensing standards
- D. Acknowledgement of Licence, Conditions and Identity Badge dated 9<sup>th</sup> November 2012
- E. Rehabilitation Periods under the Rehabilitation of Offenders Act 1974
- F. Copy of Disclosure and Barring Enhanced Certificate
- G. Character reference from A10 Taxis
- H. Copy of DVLA Counterpart Driving 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.

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

### Situation

- 1 On 25 October 2012 Amanda Jane King, of 17 Cottier Drive, Littleport, Cambridgeshire was issued with her first combined Private/Hackney Carriage Driver's Licence to drive on behalf of Twenty Four Times Seven in connection with their school contract side of the business.
- 2 At the time of issue attached to that licence is 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 Mrs King continues to hold that licence until the on 30<sup>th</sup> September 2013.
- 3 On 8 May 2013 Mrs King e-mailed this authority giving details of 3 penalty points being endorsed on her DVLA Driver's Licence and a court appearance and subsequent conviction for fraud on the 21 March 2013. This was the first notification that the Council had received. It appears that she failed to comply with the conditions of licence by not notifying the Council of the of her recent conviction. This should have been done in writing within 7 days .
- 4 On 14 May 2013 Mrs King attended the Council Offices, Saffron Walden where she gave an explanation which led to her court appearance.
- 5 In March 2008 Mrs King moved into her current address with her husband and 4 children. The property was a new build and operated by a housing association.
- 6 In September 2010 she states that an application was made by her to East Cambridgeshire District Council for Housing and Council Tax benefit which was granted and in total she received approximately £160 per week.
- 7 In August 2011 she was working part time behind a bar at a nightclub in Ely mainly working during the evening on a Thursday, Friday and Saturday.

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Mrs King calculates that her earning varied between £36 and £105 per week which was dependant on the hours she worked. She says that she held this position until May 2012.

- 8 In January 2012 her benefits with East Cambridgeshire District Council was terminated by that authority. The reason being that she failed to disclose to that authority a change of circumstances affecting her entitlement to benefit. She states that during the period August 2011 and January 2012 she did on a number of occasions call in at the offices of East Cambridgeshire District Council to show her bank statements and wages slips regarding her change in her financial circumstances. During this period she stated that a major refurbishment programme was undertaken at the council offices in Ely and that staff on the reception desk did take copies of the documents she produced and allegedly placing them in her file and taking no further action. Her visits were reinforced by a number of telephone calls she made to the Council regarding these matters. She failed to retain these documents her reason being that she did not want to be cluttered up with documentation therefore she was unable to prove to the Council that she had produced the bank statement and wages slips.
- 9 The overpayment made by the Council according to Mrs King amounted to approximately £2000 and she says that she has repaid about half of that sum. It appears also that whilst living at her current address she did receive invoices from the Council addressed to persons who were not resident at her premises.
- 10 In February 2013 her Housing and Council Tax benefits was re instated by East Cambridgeshire District Council. Enquiries with that Council reveal that she actually started claiming those benefits on 23 May 2011 and that the matters regarding the overpayment was discovered when matches were made by the Housing Benefit Matching Service to various other sources which revealed the overpayments. In actual fact she received £145.37 per week Housing Benefit and £17.93 per week in Council Tax Benefit. The amount of overpayment was actually £1693.53.
- 11 East Cambridgeshire District deny any allegation of maladministration by Mrs King stating that they have procedures in place which would have identified any evidence that Mrs King would have presented to that Council and that those documents would have been produced at Court if the matter had gone to trial. No offer was made to Mrs King by the Council of an administrative penalty
- 12 On 21 March 2013 she appeared before South Cambridgeshire Magistrates Court sitting in Cambridge where she pleaded guilty to an offence contrary to Section 112 (1A) and Section 112 (2) Social Security Administration Act 1992. She was legally represented and the court imposed a fine of £120 and she was ordered to pay court costs amounting to £150 together with a victim surcharge which amounted to £15.

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- 13 Currently she is separated from her husband and now lives in the house on her own with 3 of her children. Matrimonial proceedings are being contemplated by Mrs King to seek a divorce from her husband.
- 14 Her current employer has indicated that he wishes to retain her services as a licensed driver working on behalf of his company on their school contract programme.
- 15 Enquiries with East Cambridgeshire District Council reveal that Mrs King has applied to that authority for the grant of a Private Hire Driver's Licence and this matter is to be determined by their Licensing Committee sitting on 12 June 2013.

### Risk Analysis

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigating actions</b>
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 Mrs King unless they are satisfied that she remains a fit and proper person.

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.

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