

Determination of a private hire/hackney carriage drivers licence

Licensing and Environmental Health Committee, 19 November 2013, item 2

Committee: Licensing and Environmental Health

Agenda Item

Date: 19 November 2013

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Title: **Determination of a Private Hire/Hackney Carriage Drivers Licence**

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Item for decision:

Summary

This report has been submitted for members to consider suspension or revocation of a Private Hire/Hackney Carriage Drivers Licence in accordance with section 61(1)(b) Local Government (Miscellaneous Provisions) Act 1976 under the heading for any other reasonable cause.

Recommendations

The committee determine this whether Mr Cooper should have his private hire/hackney carriage driver's licence suspended or revoked.

Financial Implications

None arising from this report

Background Papers

1. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
 - a. Witness statement from the complainant
 - b. Notes of a meeting between Michael Perry and Mr Cooper on 18 October 2013

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.
Health and Safety	None.
Human Rights/Legal Implications	Under section 61 of the LG(MP)A district councils may suspend or revoke a drivers licence for:

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	(a) Having been convicted of one of a range of specified offences since the grant of the licence or (b) Any other reasonable cause In the event of a licence being suspended or revoked a driver has the right of appeal to a Magistrates Court.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

1. Nigel Cooper of 23 Brixham Close, Symonds Green, Stevenage, Hertfordshire, SG1 2RX is currently a licensed private hire/hackney carriage driver and his badge number is PH/HC755. He first became licensed with this Authority on 29 November 2012 and his current licence is due to expire on 31 October 2013. Mr Cooper is currently employed by 24x7 Limited to primarily carry out school contract work.
2. On 19 September 2013 the Council received notification from the complainant a vehicle examiner with VOSA who wished to report bad driving by private hire vehicle 478 a white Fiat minibus. He reported that at 15.40 hours on 18 September 2013 he was travelling northbound on the A1(M) which has a 70mph speed limit and is a dual carriageway. The complainant stated that the traffic was quite heavy for the time of day and he estimated that the vehicles travelling in both lanes were going between 60 and 70mph. After the complainant travelled past junction 6 he was in the outside lane and said the vehicle in question was tailgating him in a very aggressive manner and he pulled into the inside lane to allow the vehicle to overtake. When the vehicle overtook him he observed that it was carrying children on board and another person in a high-visibility vest in the back of the vehicle which he presumed to be the escort. The complainant then observed the minibus to be forcing its way through the traffic by tail-gating vehicles in the outside lane in an aggressive manner. The complainant states that if a vehicle failed to pull over then the minibus undertook them and he observed the vehicle carrying out at least three undertaking manoeuvres between junctions 6 and 8 and attempting several more. In the complainant's opinion the driving standard he observed was extremely dangerous and nearly caused several accidents. The complainant supplied a witness statement to confirm the details of this incident.
3. Michael Perry Assistant Chief Executive Legal met Mr Cooper on 18 October 2013 to discuss the allegations that had been made about his driving. Mr

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Cooper confirmed that he was the driver of the vehicle in question and he had a vague recollection of the incident after Mr Perry read the witness statement. Mr Cooper confirmed that he was driving on the outside lane of the A1 and had two passengers who had learning difficulties and one of these was a front seat passenger. This passenger was apparently pointing at something in front of him and Mr Cooper thought he was going to interfere with the radio. He then noticed that the vehicle in front of him had what appeared to be plastic flapping underneath the rear of the vehicle. Mr Cooper stated that he was concerned that this item may come adrift and go into his windscreen obstructing his vision or shattering the windscreen. He therefore got closer to that vehicle and flashed his headlights to gain the driver's attention, but the driver did not notice and indicated to overtake on the left hand side. He carried out this manoeuvre and considered it safe to do so. Mr Perry put it to Mr Cooper that the complainant saw him undertake on three occasions and attempt to do so on another and Mr Cooper did not accept this. As Mr Cooper disputed the statement of the complainant Mr Perry told him the matter would be referred to members to consider.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
An unsuitable person may be licensed to drive licensed vehicles.	1- Members have an awareness of what constitutes a fit and proper person.	4- Permitting unfit persons to drive a private hire/hackney carriage vehicle may put the public at risk.	Members consider whether the driver is a fit and proper person in light of the alleged complaint against the licensed driver.

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.