

Committee: Licensing and Environmental Health

Agenda Item

Date: 4 March 2015

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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 whether the individual should have their 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. Uttlesford District Council licensing standards for drivers.
 - b. Email from Mr Browning dated 18 February 2015.

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: (a) That since the grant of the licence he has-

	(i) been convicted of an offence involving dishonesty, indecency or violence; or (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of the Act; or (b) any other reasonable cause.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

1. Ray George Browning of 43 Grapnells, Vange, Basildon, Essex, SS16 4LT currently holds a private hire/hackney carriage drivers licence with Uttlesford District Council (PH/HC0172). He was first granted a licence on 5 July 2010 and his current licence is due to expire on 30 June 2015.
2. Licensing records indicates that he carries out work on behalf of 24x7 Limited doing school contract work.
3. At Mr Browning's last renewal for his licence in 2014, he produced a copy of his DVLA counterpart which showed that his licence was endorsed with three penalty points and a £60 fine for an offence on 20 November 2012. The offence would stay on his licence for four years and therefore will not drop off his licence until 20 November 2016.
4. On 18 February 2015, the Council received an email from Mr Browning who was notifying the Council that he had received a fixed penalty notice of six points on 12 February 2015 for failing to be able to identify who was driving a licensed vehicle belonging to 24x7 Limited. This was in relation to an offence of speeding on 25 January 2014. A member of the Council's Licensing Department contacted 24x7 Limited who explained that they had been contacted by Essex Police and identified the driver as Mr Browning.
5. An Enforcement Officer spoke to Mr Browning on 20 February 2015 and he explained that two letters were apparently sent to him by Essex Police but he failed to return them which is the reason he was summoned to the Magistrates Court. Mr Browning claimed that he never received the letters and if he did he would have completed them and returned them straight away. The court case was heard at Basildon Magistrates Court and in addition to Mr Browning receiving the six penalty points he was fined £250 and ordered to pay costs which together came to £403. He said that when he received his court summons there was already a fine of £750 plus costs along with the six penalty points endorsement, although the fine was reduced at Court due to Mr Browning's mitigation.

6. Mr Browning now cumulatively has a total of nine penalty points on his driving licence as a result of this endorsement.
7. As Mr Browning has received six penalty points on one occasion he falls below the standards for licensed drivers. The driver's standard number two reads 'no convictions or fixed penalty notices endorsed on a drivers licence within the last three years where six or more points have been endorsed in respect of a single offence.' Mr Browning now appears before members to consider whether he remains a fit and proper person to retain his private hire/hackney carriage driver's licence.
8. At the time of writing it was unknown whether 24x7 Limited would still wish to retain Mr Browning's services as a driver.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
An unfit person is authorised to drive members of the public in a licensed vehicle.	1- Members have an awareness of what constitutes a fit and proper person to drive a private hire vehicle.	4- Permitting unfit persons to drive licensed vehicles may put the public at risk.	Members consider whether Mr Browning remains fit and proper to retain his private hire driver's licence as he has received six penalty points on one occasion. If members do find him fit and proper they need to find good reasons to depart from the licensing policy.

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.