



Uttlesford District Council

Chief Executive: John Mitchell

Licensing and Environmental Health

Date: Tuesday, 22 December 2015
Time: 10:00
Venue: Committee Room
Address: Council Offices, London Road, Saffron Walden, CB11 4ER

Members: Councillors Robert Chambers (Chairman), Aisha Anjum, Graham Barker, John Davey, Thom Goddard, Rory Gleeson, Jim Gordon, Eric Hicks, Sharon Morris, Joanna Parry

AGENDA PART 1

Open to Public and Press

- 1 Apologies for absence and declarations of interest.
- 2 Determination of a Private Hire/Hackney Carriage Driver's Licence 5 - 14

PART 2 Exclusion of the Public and Press

Consideration of an item containing exempt information within the meaning of paragraphs 1 and 2 of schedule 12A of the Local Government Act 1972

- 4 Determination of a Private Hire/Hackney Carriage Driver's Licence
- 5 Determination of a Private Hire/Hackney Carriage Driver's Licence
- 6 Determination of a Private Hire/Hackney Carriage Driver's Licence
- 7 Determination of a Private Hire/Hackney Carriage Driver's Licence

For information about this meeting please contact Democratic Services

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Committee: Licensing and Environmental Health

Agenda Item

Date: 22 December 2015

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

Author: Matthew Chamberlain, Enforcement Officer,
(01799 510326)

Item for decision:

Summary

This report has been submitted for members to consider suspension or revocation of a private hire driver's licence under section 61(1)(b) Local Government (Miscellaneous Provisions) Act 1976 under the heading 'for any other reasonable cause.'

Recommendations

The committee determine whether Mr Popescu should have his private hire 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 Julie Howe dated 26 November 2015.
 - c. Email from PCSO Johnson of Essex Police dated 04 December 2015.
 - d. Driver check for Mr Popescu dated 10 December 2015.
 - e. Endorsement Codes.

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 Local Government (Miscellaneous Provisions) Act 1976 District Councils may suspend or revoke a

	<p>driver's licence where the driver has been convicted of one of a range of specified offences since the grant of the licence or for any other reasonable cause. Where a driver ceases to meet the council's licensing standards that would be a reasonable cause for revoking a licence.</p> <p>In the event of a licence being suspended or revoked a driver has a right of appeal to the Magistrates' Court. The driver may continue to drive during the appeal period and if an appeal is lodged within that time until such time as the appeal has been determined unless any suspension or revocation is expressed to take immediate effect in the interest of public safety.</p>
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

1. Cezar Ioan Popescu of The House, Summer House Farm, New Road, Melbourn, Royston, Hertfordshire, SG8 6DL is currently licensed by Uttlesford District Council as a private hire/hackney carriage driver. He has held this licence since 03 June 2014, and his current licence is due to expire on 31 May 2016.
2. On 26 November 2015, the Council's licensing department received information from members of the licensed trade. They reported that apparently, 4 to 6 weeks ago Mr Popescu went into a petrol station on the A505 in Royston to buy some alcohol but the cashier refused to sell it to him. Mr Popescu drove off and the cashier telephoned the police. The police chased him, he crashed the car and he was caught drink/driving.
3. The Enforcement Officer made an enquiry with Essex Police about this allegation and received a response by email on 04 December 2015. PCSO Johnson reported that the officer dealing with the case is based at Parkside Police Station in Cambridge. The officer is PC 2513 Pulley and she supplied me with Hertfordshire reference number: AS 15/35SP/01/3053H.
4. The Enforcement Officer made enquiries with Hertfordshire Police and Cambridgeshire Police but at the time that this report was drafted received no information has been received. An attempt has been made to contact Mr Popescu by telephone but again no response was received.

5. The licensing department carried out an online driver check against Mr Popescu which searches the DVLA records. This check was carried out on 10 December 2015, which showed that he is disqualified from driving until 09 September 2017 for a DR10 offence. A DR10 offence is for driving or attempting to drive with alcohol level above limit. The check shows that the offence took place on 24 October 2015 and the conviction was on 10 November 2015.
6. Mr Popescu failed to report this conviction which is a breach of his drivers conditions as he has a duty to report any conviction within seven days. Mr Popescu no longer meets the Council's licensing standards for drivers as he has been disqualified from driving and appears before members for them to consider whether he remains a fit and proper person to retain his private hire/hackney carriage driver's licence.

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 applicant is a fit and proper person in light of this conviction.

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.

APPENDIX A

LICENSING STANDARDS – DRIVERS

1. No more than 9 points endorsed on a driver's licence within the last 3 years.
2. No convictions or fixed penalty notices endorsed on a driver's licence within the last 3 years where 6 or more points have been endorsed in respect of a single offence.
3. Where a driver has been disqualified from driving for any reason a licence will not normally be granted for 3 years after the disqualification has expired or 12 months after the date the driver's licence is re-issued whichever is the later.
4. For the purposes of paragraph 3 above where a driver has accumulated 12 or more points in a 3 year period but has not been disqualified at the discretion of the court he or she will be deemed to have been disqualified at the date of the hearing when the magistrates exercised their discretion not to disqualify and the deemed disqualification shall be taken as having expired on that date.

And (save for limited licences as referred to in paragraph 2.5 of the policy):-

5. No criminal convictions for an offence of dishonesty, indecency or violence in respect of which a custodial sentence (including a suspended custodial sentence) was imposed
6. No criminal convictions within the last 5 years for an offence of dishonesty, indecency or violence in respect of which a non-custodial sentence was imposed
7. No other criminal convictions which are not deemed to be spent within the meaning of the Rehabilitation of Offenders Act 1974.
8. No conditional discharges for any offence within the last 12 months.
9. No official cautions (save for cautions administered by Uttlesford District Council) for any offences within the last 12 months.
10. No pending prosecutions for any criminal or motoring offence.
11. Not to have had a hackney carriage and/or private hire driver's licence revoked within the last 3 years.
12. To meet group 2 medical standards as published by the Department of Transport.

13. To have a reasonable command of the English language sufficient to enable the driver to perform the functions of a hackney carriage/private hire driver



Driver Details

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Entered Details

Driver Information Employee Number: Surname: POPESCU Forenames: CEZAR IOAN Department: Taxi Drivers Gender: Male Date of Birth: 03/09/1983 (32) Spouse/Relative: No Car Allowance: No	Address Information Address 1: SUMMER HOUSE FARM Address 2: NEW ROAD Address 3: MELBOURN Address 4: Address 5: Town/City: ROYSTON Postcode: SG86DL
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Driver Check Details

DVLA Licence Information Licence Number: POPES809033CI9EX Last Checked Date: 09/12/2015 Licence Issue Number: 4 Licence Status: Provisional Licence Type: Expired Substantive Licence Country: Expiry Date: 10/11/2015 Disqualified: Until - 09/09/2017	DVLA Personal Information Recent Checks Address Match: Yes Surname: POPESCU Forenames: CEZAR IOAN Gender: Male Date of Birth: 03/09/1983 (32) Nationality: Address 1: THE HOUSE Address 2: SUMMER HOUSE FARM Address 3: NEW ROAD Address 4: MELBOURN Address 5: Town/City: ROYSTON Postcode: SG086DL
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CPC Card Issue Date: DQC Number:	Expiry Date:
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ADR ADR Licence Status: Provisional Issue Number: Commence Date: Expiry Date:	Tanker Classes Non-Tanker Classes
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Endorsements

Offence Code	Offence Date	Conviction Date	Number of Points
DR10	24/10/2015	10/11/2015	0

Licence Categories

Code	Licence Status	Commence	Expire	Restrictions
A	Provisional	22/11/2013	02/09/2053	
A	Full	19/01/2013	02/09/2053	79
A1	n/a	n/a	n/a	
A2	n/a	n/a	n/a	
AM	Full	22/11/2013	02/09/2053	122
B	Full	09/10/2002	02/09/2053	70
B1	Full	09/10/2002	02/09/2053	
Bau	n/a	n/a	n/a	
BE	Provisional	22/11/2013	02/09/2053	

					
BE aut		n/a	n/a	n/a	
C		n/a	n/a	n/a	
C1		n/a	n/a	n/a	
C1 aut		n/a	n/a	n/a	
C1E		n/a	n/a	n/a	
C1E aut		n/a	n/a	n/a	
CE		n/a	n/a	n/a	
D		n/a	n/a	n/a	
D1		n/a	n/a	n/a	
D1 aut		n/a	n/a	n/a	
D1E		n/a	n/a	n/a	
D1E aut		n/a	n/a	n/a	
DE		n/a	n/a	n/a	
F		Full	09/10/2002	02/09/2053	<u>118 122</u>
G		Provisional	22/11/2013	02/09/2053	
H		Provisional	22/11/2013	02/09/2053	
K		Full	09/10/2002	02/09/2053	<u>118 122</u>
L		n/a	n/a	n/a	
N		n/a	n/a	n/a	
P		Full	09/10/2002	02/09/2053	<u>118 122</u>
Q		Full	09/10/2002	02/09/2053	<u>118 122</u>

Your Comments

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Update

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Drink

Codes DR10 to DR61 must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10

Codes DR40 to DR70 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4

