

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,
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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.