LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on THURSDAY, 24 JANUARY 2019 at 10.00 am

Present:	Councillor R Chambers (Chairman) Councillors A Gerard
Officers in attendance:	A Bochel (Democratic Services Officer), M Chamberlain (Enforcement Officer), J Jones (Licensing Officer) and E Smith (Solicitor)
Also in attendance:	The drivers in relation to Item 3, 5 and 7, B Drinkwater (representative of the drivers in relation to Items 5 and 7)

LIC77 **EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED to exclude the public and press for the following items on the grounds that they contained exempt information within the meaning of s.1 etc

LIC78 **DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE - ITEM 3**

The Chairman introduced the Panel and explained procedure to the applicant.

The Licensing Officer gave a summary of the report. The applicant had disclosed a TS10 offence in 2013 and convictions between 1986 and 1994 which included ABH, GBH, criminal damage, driving without a licence, insurance and MOT, and possession of a shotgun. The applicant therefore did not meet the Council's licensing standards for drivers as although his convictions were spent in accordance with the Rehabilitation of Offenders Act 1974, the Council's Licensing Standards stated that an applicant must have 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.

The applicant said the offences between 1986 and 1994 began when he was growing up and was in with a band of people who did not do good things. He had spiralled into a criminal life. Since then he had made an effort to correct his mistakes. He had made money, started a business met his current wife and been driving buses for a living.

At 10.25 the Committee retired to make its decision.

At 10.40 the Committee returned. The Chairman read the decision to the applicant.

DECISION NOTICE –

The applicant's application dated 15th November 2018 is for a Private Hire/Hackney Carriage Driver's licence. If successful, he has an offer of employment from 24 x 7 Ltd on school contract runs.

The applicant's application form disclosed a 2013 TS10 motoring offence in respect of which he is a rehabilitated person. However, he also provided a supplementary sheet disclosing a number of serious historic convictions dated between1986 and 1995. An enhanced DBS certificate, a copy of which is before us, dated 11th December 2018 supplied further details of 13 convictions, which means that the applicant does not meet Point 5 of the Council's Licensing Standards, which state that a driver must have:-

"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."

The Enhanced DBS Check, under the applicant's former name, revealed the following matters:-

1. 6.5.86 – possession of an offensive weapon, burglary and theft, TWOC x 3, theft from the person, vehicle interference, theft from vehicle – 36 hours attendance centre x 10 to run concurrently, 12 months disqualification – Havering JJ
2. 8.5.86 – TWOC, driving without a licence, driving without insurance, vehicle interference – 36 hours attendance centre, 12 months conditional discharge – Havering JJ
3. 9.12.86 – driving while disqualified, criminal damage, possession of a shotgun without certificate – 90 days detention centre x 3, 12 months disqualification from driving – Havering JJ
4. 3.11.87 TWOC x 2, driving whilst disqualified – 6 months Youth Custody x 3, 2 years disqualification from driving – Havering JJ
5. 27.6.88 – ABH – 3 years' probation, costs and compensation totalling £170.00 – Havering JJ
6. 9.3.90 – GBH, ABH – 18 months imprisonment partly suspended for 12 months – Snaresbrook Crown Court

7. 21.6.90 – shop theft, possession of an offensive weapon, TWOC, using false documents with intent to deceive, plus a number of other offences not separately dealt with – 3 months imprisonment x 2, bound over for 2 years, £100 fine – Snaresbrook Crown Court
8. 15.3.91 – TWOC – fined £100.00, costs £40.00 – Havering JJ
9. 16.8.91 - burglary and theft - 4 months imprisonment – Weston Super mare JJ
10. 2013.92 – theft from vehicle, Bail Act offence – 40 hours community service, £30.00 costs – North Somerset JJ
11. 19.12.94 – police assault – 2 months imprisonment - Havering JJ
12. 27.10.95 – common assault, theft – 80 hours community service, £20.00 compensation – Snaresbrook Crown Court

This makes sorry reading.

Though the applicant is a rehabilitated person in respect of all these offences under the Rehabilitation of Offenders Act 1974, this legislation does not apply to all eventualities, and included among these is the holding of Private Hire and Hackney Carriage Drivers licences.

The applicant sent in an e-mail statement to the Licensing Dept to give some background information and to explain why he thinks he is a fit and proper person to hold a licence despite his conviction history. In essence the applicant explained that he was the second eldest child in a family of 9 and his father was rarely around as he was always working. As a youngster he and his friends used to hang around without anything constructive to do and no supervision. He explained that before long he found himself “in a spiral of bad behaviour with no one to look to for guidance”. Eventually he realised he was wasting his life and tried to turn things around. In 1992 he got married and although that marriage didn’t last and his last 2 convictions occurred while the marriage was failing and during his divorce, it did give him a taste of ‘normal’ life. The applicant’s last conviction was in 1995.

Following this he relocated and secured employment working at a concrete ornament yard. He took his driving test and once he had a licence he was able to

start his own business selling the ornaments he had made around Essex. In October 1996 he began work at a bus depot in Tottenham Hale starting as a sweeper, but was subsequently promoted to a supervisory role. In 2002 the applicant took his PSV test and became a bus driver on public service routes, driving in London, Kent, Lincolnshire, Kings Lynn and then driving more local routes in Havering and Thurrock.

The applicant re-married and now has 5 children aged between 4 and 16. He very much regrets the time he wasted in his youth and is sorry for the people he wronged. He has turned his life around and has not had any convictions since 1995. 24 x 7 Ltd support his application.

We have listened to what the applicant has to say, and we are satisfied that he has turned his life around. He has made an impressive showing before us and accordingly we grant this application. He will receive the paperwork from the Licensing Department in due course.

LIC79 **DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE - ITEM 7**

The Chairman brought Item 7 forward in the proceedings. He introduced the Panel and explained procedure to the driver.

The Enforcement Officer gave a summary of the report. The driver had carried out a job and his employer had received a complaint alleging that he had been undertaking vehicles at speed and driving dangerously on the M11, while returning from dropping off a customer. He had not had a passenger in the car at the time. A speed check by the driver's operator showed that during the outward journey with the customer, the driver had been travelling at over 70mph, and at one point reached 87mph. This matter had not been reported to the police. The Enforcement Officer noted that the speed of the driver's vehicle had not been tracked on his return journey.

The driver said that on his outward journey with the passenger, he had slowed down when he realised he was speeding. The spike of 87mph had been on a tricky stretch of road, when he had been entering a motorway in the fast lane, and had had to speed to get onto the motorway safely.

The driver said that the reason he had swerved on his return journey was because he had turned onto a motorway and almost immediately had to exit. This had all happened quickly and he had almost missed his exit. He then noticed the car he had swerved in front of flashing his lights at him. The car continued to chase him for a couple of miles, and he had assumed it was

because there was a problem with his vehicle. When he returned to his operator, the driver got them to check it over, but no issue was found, and he later found out that the driver had reported him.

B Drinkwater noted the driver was sorry for having been speeding at 87mph for a short period, although it was not illegal to speed if there were special reasons for doing so. It was also in dispute that he had driven dangerously. The driver had no speeding convictions since 2004, and only had three points on his licence.

At 11.55 the Committee retired.

At 12.50 the Committee returned.

The Chairman read the decision to the driver.

Councillor Gerard left the meeting.

DECISION NOTICE:

The application before the Panel today is for the suspension or revocation of the driver's joint private hire/hackney carriage licence number PH/HC2809 dated 6th July 2018 in accordance with S61 (1) (b) Local Government (Miscellaneous Provisions) Act 1976.- any other reasonable cause. The licence is due to expire on 30th June 2021. He is currently employed by 24 x 7Ltd as an airport driver and the complaint before us was referred to the Council by them.

On 4th September 2018, the driver accepted a journey from Stansted Airport. A complaint was made to 24x7 Limited by a third party road user that between 18.30 and 19.00 hours a vehicle subsequently identified on their systems as being driven by the driver was undertaking vehicles at speed and driving otherwise dangerously upon the M11. From their computer records 24x7 Limited were able to identify that the driver had carried a passenger before returning to Stansted and that while he was carrying this passenger he was consistently driving at well above the 70mph speed limit for motorways, at one point reaching a speed of 87mph. When 24 x 7 raised the matter with him, the driver admitted the offence and assured them it would not happen again: however, on 6th September the matter was referred to the Council by 24 x 7. The Police have never been involved.

Following this referral, the Licensing Department carried out a DVLA Drivercheck of the driver's driving licence on 02 January 2019, which showed he had three

penalty points on his licence. This was for a CD10 offence (driving without due care and attention) on 10 December 2017.

Our attention has been drawn to the MoJ Speeding (revised 2017) Sentencing Guidelines. A copy of these is included among the papers before us, a copy of which have been served upon the driver. If he were before the Courts and were proved to have been travelling at 87mph in a 70mph zone, he would expect to incur a Band A fine (the lowest band fine) and three penalty points. However, there are aggravating factors which would incur a heavier penalty from the Courts and one of them is 'driving for hire or reward.' It is important to note that this Committee is not a Court and this information is provided for members to use as a guide only in their decision making.

The Enforcement Officer carried out a telephone interview with the driver on 15th October 2018. He made the following points:-

- That at the time of the complaint he believed that there were no passengers on board. He confirmed that he had dropped customers off and was returning on the M11 northbound.
- The driver stated that he was not aware that he was speeding and claimed that he did not speed with passengers on board.
- Since the complaint he has tried to obey the speed limits at all times.
- He has three penalty points on his licence – dangerous driving from when joining M11 from M25 previous to being licensed.
- He confirmed that he has never been a licensed driver before.

We have read the papers before us and we have heard from the driver and from Mr Drinkwater on his behalf. We have been able to identify that there are two discrete incidents complained of, namely the complaint made by a third party witness of undertaking and other unsafe manoeuvring, signalled by that person to the driver and believed by him to be an attempt to draw his attention to defects in the vehicle, and the speeding recorded electronically and detected by systems interrogation following receipt

of the complaint. Both are serious matters and we give the driver credit for his self-reporting of the incident involving the third party complainant.

We note that the driver has a good driving record and that he has held a PSV driving licence for a number of years. We also note his contrition and believe that he has learned his lesson. However, given that the incidents are serious, we cannot let them go unsanctioned. Our attention has been drawn to the Government's Sentencing Guidelines for speeding offences. Though we are not bound by them, we note that at the time of the speeding offence evidenced by electronic records, that the driver was carrying a passenger and hence was driving for reward in a situation where from our own experience, there was a fast and a slow option available to him, and he chose the former.

Though he continues to meet the Driver Standards set out in Appendix A of the Council's Licensing Standards, paragraph 8 of Appendix G to the Council's Licensing Standards for Drivers requires drivers to

"Take all reasonable steps to ensure the safety of passengers"

The speeding offence took place with a passenger aboard.

The primary function of this Committee is to ensure the safety of members of the travelling public. Though he said in interview that he was not driving passengers at the time the driver was mistaken in this belief, and though the Police have not become involved he was nevertheless committing a criminal offence and therefore in the interests of the proper protection of the public we consider that we have no alternative but to suspend the driver's licence under S61 (b) of the 1976 Act by way of sanction. This suspension will be for a period of seven days.

There is a right of appeal against this decision which must be exercised within a period of 21 days. The licence continues in being pending the resolution of any appellate process, so the suspension will therefore commence on 18th February 2019 for a period of seven days. The driver will receive a letter from the Legal Department explaining this.

LIC80 **DETERMINATION OF A PRIVATE HIRE DRIVER'S LICENCE - ITEM 4**

The driver in relation to the Item was not present and had given no notice that she intended to attend.

The Enforcement Officer gave a summary of the report.

The Council required all drivers to undergo an enhanced Disclosure and Barring Service (DBS) check and group 2 medical when they apply for a licence and then every three years after that. The driver's enhanced DBS check and group 2 medical had expired and the driver had not responded to attempts by the Council to contact her.

DECISION NOTICE

The application before the Panel today is for the suspension or revocation of the driver's joint private hire/hackney carriage licence no PHD0046 in accordance with S61 (1) (b) Local Government (Miscellaneous Provisions) Act 1976.- any other reasonable cause. She has been licenced in Uttlesford since 1st September 2009 and her current licence is due to expire on 31st August 2019. Her last known driving role was with 24 x & Ltd but she has now left their employment.

The Council requires all drivers to undergo an enhanced Disclosure and Barring Service (DBS) check, a group 2 medical examination, and to provide a DVLA mandate to allow annual scrutiny of driving records when they apply for a licence and every three years after that. These checks assist the Council in establishing whether an individual is a 'fit and proper' person to hold a licence. The driver has not supplied any of these documents.

Normal practice at UDC is to send out reminder letters to drivers for DBS checks that are due to expire on the first working day of the month which precedes the month when the check expires. The reminders for medicals are typically sent out on the 15th day of the month preceding the expiry of that check.

The driver was contacted in writing on 11th October 2018 and again on 20th November 2018, and was then told that if she wanted to remain licensed then

she must provide these documents by 6th December 2018. She has not done so.

Condition 12 of Appendix A of the Council's Licensing Standards requires drivers to meet
"…Group 2 medical standards as published by the Dept of Transport."

Compliance with this standard is a legal requirement, and without a certificate we have no means of knowing whether this requirement is satisfied. This Committee considers that failure to provide an up to date medical or DBS check is a breach of Council policy; the checks are vital to establish that a driver is medically fit enough to drive, and has not received any criminal convictions in the period since their last DBS check. Lacking that information, and mindful of the paramount importance of public safety, we are not satisfied that the driver is a fit and proper person to hold hackney carriage and private hire licences and therefore revoke them, with immediate effect.

The driver has a right of appeal against this decision to the Magistrates Court, and that any such appeal must be lodged within 21 days. Normally, the revocation would come into effect following the end of the appeal period, but since the revocation is because of failure to supply a medical certificate in the interests of public safety, this period of grace will not apply. She will receive a letter from the Legal Department explaining this.

LIC81 **DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE - ITEM 6**

The Chairman brought Item 6 forward in the proceedings.

The driver in relation to the Item was not present and had given no notice that she intended to attend.

The Enforcement Officer gave a summary of the report.

The Council required all drivers to undergo an enhanced Disclosure and Barring Service (DBS) check and group 2 medical when they apply for a licence and then every three years after that. The driver's enhanced DBS check and group 2

medical had expired and the driver had not responded to attempts by the Council to contact her.

DECISION NOTICE

The application before the Panel today is for the suspension or revocation of the driver's joint private hire/hackney carriage licence no PH/HC 1347 in accordance with S61 (1) (b) Local Government (Miscellaneous Provisions) Act 1976.- any other reasonable cause. She has been licenced in Uttlesford since 11th September 2015 and her current licence is due to expire on 31st August 2019. Her last known driving role was with 24 x & Ltd but she has now left their employment.

The Council requires all drivers to undergo an enhanced Disclosure and Barring Service (DBS) check, a group 2 medical examination, and to provide a DVLA mandate to allow annual scrutiny of driving records when they apply for a licence and every three years after that. These checks assist the Council in establishing whether an individual is a 'fit and proper' person to hold a licence. The driver has not supplied any of these documents.

Normal practice at UDC is to send out reminder letters to drivers for DBS checks that are due to expire on the first working day of the month which precedes the month when the check expires. The reminders for medicals are typically sent out on the 15th day of the month preceding the expiry of that check.

The driver was contacted in writing on 20th November 2018 and was told that if she wanted to remain licensed then she must provide these documents by 6th December 2018. She has not done so.

Condition 12 of Appendix A of the Council's Licensing Standards requires drivers to meet

"…Group 2 medical standards as published by the Dept of Transport."

Compliance with this standard is a legal requirement, and without a certificate we have no means of knowing whether this requirement is satisfied. This Committee considers that failure to provide an up to date medical or DBS check is a breach of Council policy; the checks are vital to establish that a driver is medically fit

enough to drive, and has not received any criminal convictions in the period since their last DBS check. Lacking that information, and mindful of the paramount importance of public safety, we are not satisfied that the driver is a fit and proper person to hold hackney carriage and private hire licences and therefore revoke them, with immediate effect.

The driver has a right of appeal against this decision to the Magistrates Court, and that any such appeal must be lodged within 21 days. Normally, the revocation would come into effect following the end of the appeal period, but since the revocation is because of failure to supply a medical certificate in the interests of public safety, this period of grace will not apply. She will receive a letter from the Legal Department explaining this.

LIC82 **DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE - ITEM 8**

The Chairman brought Item 8 forward in the proceedings.

The driver in relation to the Item was not present and had given no notice that he intended to attend.

The Enforcement Officer gave a summary of the report.

The Council required all drivers to undergo an enhanced Disclosure and Barring Service (DBS) check and group 2 medical when they apply for a licence and then every three years after that. The driver's enhanced DBS check and group 2 medical had expired and the driver had not responded to attempts by the Council to contact him.

DECISION NOTICE

The application before the Panel today is for the suspension or revocation of the driver's joint private hire/hackney carriage licence no PH/HC 1355 in accordance with S61 (1) (b) Local Government (Miscellaneous Provisions) Act 1976.- any other reasonable cause. He has been licenced in Uttlesford since 15th September 2015 and his current licence is due to expire on 31st August 2019. His last known driving role was with 24 x & Ltd but he has now left their employment.

The Council requires all drivers to undergo an enhanced Disclosure and Barring Service (DBS) check, a group 2 medical examination, and to provide a DVLA mandate to allow annual scrutiny of driving records when they apply for a licence and every three years after that. These checks assist the Council in establishing whether an individual is a 'fit and proper' person to hold a licence. The driver has not supplied any of these documents.

Normal practice at UDC is to send out reminder letters to drivers for DBS checks that are due to expire on the first working day of the month which precedes the month when the check expires. The reminders for medicals are typically sent out on the 15th day of the month preceding the expiry of that check.

The driver was contacted in writing on 26th November 2018 and was told that if he wanted to remain licensed then he must provide these documents by 12th December 2018. He has not done so.

Condition 12 of Appendix A of the Council's Licensing Standards requires drivers to meet
"…Group 2 medical standards as published by the Dept of Transport."

Compliance with this standard is a legal requirement, and without a certificate we have no means of knowing whether this requirement is satisfied. This Committee considers that failure to provide an up to date medical or DBS check is a breach of Council policy; the checks are vital to establish that a driver is medically fit enough to drive, and has not received any criminal convictions in the period since their last DBS check. Lacking that information, and mindful of the paramount importance of public safety, we are not satisfied that the driver is a fit and proper person to hold hackney carriage and private hire licences and therefore revoke them, with immediate effect.

The driver has a right of appeal against this decision to the Magistrates Court, and that any such appeal must be lodged within 21 days. Normally, the revocation would come into effect following the end of the appeal period, but since the revocation is because of failure to supply a medical certificate in the

interests of public safety, this period of grace will not apply. He will receive a letter from the Legal Department explaining this.

LIC83 **DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE - ITEM 5**

The Chairman introduced the Panel and explained procedure to the driver.

The Enforcement Officer gave a summary of the report. The driver had carried out a job from Stansted Airport to Hayes. His operator received a complaint about his conduct alleging the following:

- The driver was swaying from lane to lane and kept closing his eyes.
- He moved his phone from his lap to the dash of the car. He had his earphones in, was watching a film and kept constantly looking away from the screen.
- He was speeding.

A speed check by the operator showed the driver travelling over 70mph for a period of the journey, at one point reaching 85mph. Pictures supplied by the complainants showed a phone on the driver's dashboard. In light of the complaint, Members were asked to consider the driver's licence.

The driver said his two passengers were frustrated after a long flight which they had found distressing, and had missed their pre-booked taxi because the flight had been delayed. One of the passengers agreed to pay £143.59 for the journey, which was significantly more than the price of their pre-booked taxi, and which the other passenger believed to be too much. They had been arguing with each other in the taxi, which the driver had found distracting.

The driver said he had his phone in his lap, and then moved it to the dash, because he was using it as a SatNav. His phone holder had broken and he knew he would be able to obtain a new one from his operator when he returned to the office in the morning. He had not been swaying from side to side.

The driver said he had been a taxi driver for many years and had never had a complaint. Bad driving was not a habit of his. He could only assume the passengers had been upset about the price they were charged by the operator for a taxi.

In response to a Member question, the driver said he only had one earphone in.

In response to a Member question, the driver said drivers tended not to rely on the PDAs they were given for navigation because they were not very reliable.

B Drinkwater said the driver had taken on board the lessons he had learnt from this experience.

At 14.30 the Committee retired to make its decision.

At 15.20 the Committee returned.

The Chairman read the decision to the driver.

DECISION NOTICE:

The application before the Panel today is for the suspension or revocation of the driver's joint private hire/hackney carriage licence number PH/HC0957 dated 17th June 2015 in accordance with S61 (1) (b) Local Government (Miscellaneous Provisions) Act 1976.- any other reasonable cause. The licence is due to expire on 31st May 2019. He is currently employed by 24 x 7Ltd as an airport driver and the complaint before us was referred to the Council by them.

On 11th September 2018, the driver accepted a journey from Stansted Airport to Hayes lasting from 01.54 hours to 03.18 hours. A complaint was made to 24x7 Limited by the passenger that during that journey

- That they were charged £143.50 for the journey, this is not a concern for the Council as private hire operators can charge what they want and it is a private arrangement between the customer and operator.

- They alleged that when they were on the motorway the driver was swaying from lane to lane and when they looked at him they said he kept closing his eyes.

- He then allegedly moved his phone from his lap on to the dash of the car. The complainant also stated that he had his earphones in and was watching a film and kept constantly looking away from the motorway to look at the screen; photographs were subsequently supplied showing the mobile phone resting upon the dashboard..

- They also reported that he was speeding whilst they were on board.

24 x 7 Ltd are able to track vehicle speed and the driver was noted to be driving at well above the 70mph speed limit for motorways, at one point reaching a speed of 85mph. When 24 x 7 raised the matter with him, the driver told them that his phone was resting on his dashboard because his holder was broken and they had now issued him with a new PDA holder. He also told them that he was unaware of the speed he was doing as his phone/PDA was covering the speedometer, he assured them that he would stick to the speed limits in future. 24x7 Limited also pointed out that the driver had been with them since June 2015 and in that time had an exemplary record so far as they were aware. However, UDC's records show that on 26 May 2016, the driver had his private hire/hackney carriage driver's licence suspended for eight days by the former Assistant Chief Executive-Legal as he breached his conditions of licence, because he did not notify the Council in writing of two speeding offences. These offences were revealed on the DVLA Drivercheck carried out on 2nd January 2019.

The Enforcement Officer met the driver for a meeting on 17 December 2018, to discuss the journey.

- The driver told the Officer that he was normally a night driver and remembered this journey.
- The driver confirmed that the vehicle he was driving did have cruise control but he never used it.
- He stated that he uses his phone as a sat-nav, but on that occasion his phone holder which the company issued was broken.
- He claimed that his phone was on the dashboard, and was therefore covering the speed so he was unable to read the speedometer.
- The driver claimed that the two female passengers were arguing with each other due to the cost of the journey and because they lost each other in the terminal.

- He denied watching a film on his phone and denied that he was going from lane to lane. He did however, admitted using headphones as he claimed that he used them to listen to the sat-nav.

- The driver stated that the passengers did not say anything to him about him speeding or allegedly using a mobile phone etc.

- He did explain that 24x7 Limited did offer a refund of half the journey which the driver paid for.

After the Officer spoke to the driver, the Officer inspected the private hire vehicle that the driver used for the journey and looked around the dashboard area. The speedometer was read by a dial on the right hand side and would not have been covered up by the telephone that was on his dashboard.

Our attention has been drawn to the MoJ Speeding (revised 2017) Sentencing Guidelines. If he were before the Courts and were proved to have been travelling at 85mph in a 70mph zone, he would expect to incur a Band A fine (the lowest band fine) and three penalty points. However, there are aggravating factors which would incur a heavier penalty from the Courts and one of them is 'driving for hire or reward.' We also note the findings of the Enforcement Officer made upon his inspection of the vehicle.

It is important to note that this Committee is not a Court and this information is provided for members to use as a guide only in their decision making.

We have read the papers before us and we have heard from the driver and the mitigation on his behalf advanced by Mr Drinkwater. We have also read the papers before us and have studied colour copies of the photographs included in the papers. We do not accept that these photographs were taken with a flash – there is no reflection of the flashlight shown therein – and we also observe that the driver appears to have a dual role with 24 x 7 Ltd – they say "…has stepped up to offer Duty Manager cover on our booking desk as and when required …".

We are not a criminal Court and our findings are made on a balance of probabilities. We are disturbed to note that the driver is seeking to blame the two female passengers for everything that happened that night and repeatedly tried to direct us back to the

question of the disputed fare, which is not a matter for this Committee. On the basis of the complainant's email, these two ladies were vulnerable: the detail she provides is of itself persuasive and we find that on balance the driver was not giving driving his full attention.

Our attention has been drawn to the Government's Sentencing Guidelines for speeding offences. Though we are not bound by them, we note that this offence is at the lower end of the scale but is aggravated by the fact that the driver was driving for reward. Furthermore we note the location of the mobile phone on the dashboard from the photographs provided by the customer and the observation by the customer that a) he was wearing earphones, as he admits, and b) did not appear to be giving driving his full attention.

Paragraph 8 of Appendix G to the Council's Licensing Standards for Drivers requires drivers to

"Take all reasonable steps to ensure the safety of passengers"

The primary function of this Committee is to ensure the safety of members of the travelling public. In driving at the speed he was recorded as so doing, the driver clearly ignored this obligation, and though the Police have not become involved he was nevertheless committing a criminal offence and therefore in the interests of the proper protection of the public we consider that we have no alternative but to revoke the driver licence with immediate effect under S61 (b) of the 1976 Act as he is no longer a fit and proper person to hold it.

There is a right of appeal against this decision which must be exercised within a period of 21 days. Normally the licence continues in being pending the resolution of the appellate process, but since the revocation was immediate on the grounds of public safety this will not apply. The driver will receive a letter from the Legal Department explaining this.