

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at  
CHAIRMAN'S OFFICE - COUNCIL OFFICES, LONDON ROAD, SAFFRON  
WALDEN, ESSEX CB11 4ER, on TUESDAY, 15 OCTOBER 2019 at 10.00 am**

Present: Councillor C Day (Acting Chair)  
Councillors P Lavelle, P Lees and M Tayler

Officers in attendance: A Bochel (Democratic Services Officer), M Chamberlain (Enforcement Officer), B Ferguson (Principal Democratic Services Officer) and E Smith (Solicitor)

Also present: The drivers in relation to Items 5, 6 and 7, Mr Garelick (GMB Union) and Mr Hussain (Happicabs).

**LIC32 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

**LIC33 DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE**

*The Chair moved Item 5 forward in the proceedings.*

Mr Hussain, a director of Happicabs sent the Council an email detailing an incident where the driver transported a passenger on the late hours of 23 September 2019 in Chelmsford. This journey was not pre-booked through a private hire operator and at the time the driver was driving a private hire vehicle.

The female passenger entered the driver's vehicle without an invite. She requested that the driver take her home and explained that she did not have a mobile telephone and had very little money to get home. The passenger is a regular customer of Happicabs for over 7 years and was known by the company as someone suffering from various ailments and issues. According to Mr Hussain she has no family and has been diagnosed with a brain tumour. She often drinks and puts herself in vulnerable situations.

The driver then began to drive and called the office to get the job booked to get the passenger home safely. The Office was unable to create a job for the journey. Mr Hussain then became aware of the situation and instructed the driver to drop her off where he picked her up. He did this and returned to the Office for a meeting with Mr Hussain where he was then suspended by the company with immediate effect.

The driver said he had no intention of taking the passenger's money as he was only trying to help someone in need.

The driver tabled proof that he had called the office to try and get the journey booked.

The driver's representative said his client had been put in a very difficult situation and had tried to do the right thing. He said Happicabs had taken appropriate action by suspending the driver until they were 100% sure that the story was true. The actions of the driver demonstrated he was a fit and proper person to hold a private hire licence.

At 10.25, the Committee retired to make its decision.

At 10.35, the Committee returned. The decision was read to those present.

RESOLVED to take no further action on the matter of the driver's driving licence.

#### 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/HC2343 under S61 (1) (b) Local Government (Miscellaneous Provisions) Act 1976.- any other reasonable cause. The licence is due to expire on 30<sup>th</sup> September next year and the driver was first licensed by this Council on 16<sup>th</sup> October 2017. He was summarily suspended from his employment with Happicabs following the incident we have to consider today, though we understand that since then he has been reinstated in his role.

We have had the benefit of a detailed report from the Enforcement Officer and a notification email, plus a note of his subsequent telephone conversation with the driver, are before us. We have also received some supplemental information from Happicabs and we have considered this with great care.

On 24 September 2019, the Enforcement Officer received an email from Mr Hussein, a director of Happicabs, detailing an incident where the driver transported a passenger in the late hours of 23 September 2019 in Chelmsford. This journey was not pre-booked through Happicabs and at the time Mr Uddin was driving a licensed vehicle. The driver had dropped off a customer at Market Road in Chelmsford at approximately 21.30 hours. A female then entered his vehicle without an invite. She requested that the driver take her home and she explained that she did not have a mobile telephone and had very little money to get home. This lady is apparently a regular customer of Happicabs and is suffering from various serious medical and social problems. She has no family, has been diagnosed with a brain tumour and often drinks and puts herself in vulnerable situations.

It is inferred that the driver felt he had no choice but to begin to drive, but he also called the office in order to get the job booked so he could get the passenger home safely. Unfortunately the office were unable to create a job for the journey, Mr Hussain became aware of the situation and instructed the driver to drop the lady off where he picked her up. Instead, he took her to the bus station and returned to the office for a disciplinary meeting with Mr Hussain following which he was suspended by the company with immediate effect.

The Enforcement Officer spoke with the driver over the telephone on 25 September 2019. He provided the following information. He has a clean licence and no criminal convictions. He firstly confirmed that he dropped some passengers off in Market Road, Chelmsford, and that the lady concerned is a regular customer of Happicabs with known medical

problems who just got in the vehicle and thereafter would not move. She asked to be dropped at a regular drop off location, and the driver asked her if she had booked the journey, and she said no as her phone was not with her.

The driver explained to the Officer that he wanted to help her and drop her off, and was not intending to charge her for the journey. He was going to relay this message to the office, and indeed attempted to do so. However, Waqas Hussain then called the driver and asked if he had picked anyone up; he replied that he picked up the customer and Mr Hussain told him to drop the passenger back where he picked her up.

The driver then explained to the Enforcement Officer that the lady started crying when he turned around and told her that he could not do the job. He dropped her off at the bus station (presumably because it was deemed to be safer than the street) and drove off. The driver then went for a meeting with Mr Hussain where he was dismissed.

The driver is aware that all jobs he does should go through Happicabs and confirmed that normally this customer always books through Happicabs. He confirmed that he has a clean driving licence and no convictions, and was aware that it is an offence under section 46(1)(d) Local Government (Miscellaneous Provisions) Act 1976, to operate a private hire vehicle without a private hire operator's licence. If the driver had carried out this booking then he would have carried out the actus reus of this offence. The driver's licence therefore comes before us today to consider whether he remains a fit and proper person to hold a licence.

We have read the papers before us and we have heard from the driver, from Mr Hussein of Happicabs and from Mr Garelick of the GMB trade union, and note that The driver has now been reinstated in his employment. In the circumstances of this case we are pleased to note this.

We have listened to what the driver has to say and it tallies with the account he gave to the Enforcement Officer. It is clear to us that he understands that a paying passenger must have pre-booked their journey.

The primary function of this Committee is the protection of the public and we note the potential seriousness of this allegation. Plying for hire is strictly regulated and a PHV driver in a PHV vehicle may not pick up a random passenger in the street: all journeys must be pre-booked through a licensed operator. The test for the commencement of a prosecution is in two stages and although this lady had not booked her journey (the fact of which is clearly established) it is not in our view a case in which any further action is in the public interest. It is a truism that hard cases make bad law and in this case the driver did the right thing: he has lost some earnings and that is penalty enough where the technical offence is concerned. The passenger was extremely vulnerable and once she was in the car he probably was unable to dislodge her without using force. On being instructed to take her back to the point of pick up, he returned her to a place he felt to be safer, namely the bus station. In the circumstances he did the right thing and we consider it reasonable that he should retain his licence: we wish him well in the future.

LIC34

## **DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE**

*The Chair moved Item 6 forward in the proceedings.*

The Enforcement Officer gave a summary of the report. Suffolk County Council (SCC) had received a complaint regarding the driver's over-friendly interactions with a child he was transporting to school and his family. The driver had been suspended from Suffolk County Council contracts for over 5 months. SCC were unclear as to whether the behaviour constituted grooming to get close to the child or whether it was naïve and well meaning, misguided behaviour.

In response to a Member question, the driver said the Passenger Assistant had been present with him the whole time as he was transporting the child, and the child had never refused to get in the vehicle. As far as he knew, only one complaint had been made against him.

In response to a Member question, the driver said he had only received training on dealing with children since the complaint had been made.

At 11.05, the Committee retired to make its decision.

At 11.45, the Committee returned. The decision was read to those present.

RESOLVED to revoke the driver's drivers licence.

#### 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/HC2953 under S61 (1) (b) Local Government (Miscellaneous Provisions) Act 1976.- any other reasonable cause. The licence is due to expire on 31<sup>st</sup> July 2021 and the driver is currently employed by 24 x 7 Ltd on the school contract side of the business.

We have had the benefit of a detailed report from the Enforcement Officer and his notes, together with the original correspondence received by him are also before us. The story begins with a complaint to Suffolk Council dated 28<sup>th</sup> March 2019. The matter was referred to us by their LADO (Local Authority Designated Officer for Safeguarding) who holds a statutory responsibility for the safeguarding of both children and vulnerable adults.

Their employee noted:-

“Mum called regarding her son's transport, her son has been biting and hitting recently and he does not usually behave like this. The child has not had problems with the transport before this driver and PA started in September and does not want to get in the taxi now. The driver was trying to giving chocolate, toy trucks to the child and his younger brother and even offered money to mum when she had a baby. This had been on and off since September but has got worse in the last month. This last month is when the behavioural problems started and he refused to go in the taxi and the problems at school started. The child is non-verbal so mum cannot ask him anything he just wants to vent his frustration by his behaviour... The driver stands very close to the door when picking up so the child has to brush past him then he touches his hair, he also tries to get close to mum.”

24x7 Limited investigated the matter and reported back to Suffolk County Council on 13 September 2019. They interviewed the driver and passenger assistant regarding the allegations. They confirmed the following:

The driver admitted buying advent calendars for the passenger and a sibling, and further admitted giving the children some old toy cars that he had as a child as he was going to discard them. He also admitted making a contribution to the new baby's bank account and accepted that he had overstepped the boundaries of a driver and become too friendly with the family.

The child's front door was up a flight of steps and he would often come bounding out the front door. The driver admitted that he and the passenger assistant would wait at the bottom of the steps to catch him if he fell. He denied that he ever stroked the child's hair.

24x7 Limited pointed out to the driver that this should never have happened and he should have stuck to the Council's and Company's protocols and procedures; however, they believe that the driver does not pose a risk to the passengers they carry.

Suffolk County Council also advised the Enforcement Officer that the driver had been suspended from their contracts for over 5 months. They were unclear as to whether the behaviour constituted grooming to get close to the child or whether it was naïve and well meaning, misguided behaviour, but Suffolk County Council Passenger Transport are considering whether the driver will be allowed to resume work on Suffolk contracts, and if so on what conditions. Our decision today will of course be a very relevant consideration.

The Enforcement Officer interviewed the driver over the telephone on 18 September 2019. A copy of his notes is before us, but in summary, we observe that the driver is still driving children for 24x7 Limited and transports eight teenagers in a Vauxhall Vivaro people carrier and has been doing this since the beginning of this school year. He was never suspended from his employment, has no criminal convictions, and a clean driving licence. The driver stated that he was aggrieved at the allegations and by way of evidence as to character told the Enforcement Officer that he was a church verger and a freemason. We are very concerned to note that the allegations were made in December 2018 to 24x7 Limited: clearly Suffolk County Council were dissatisfied with their reaction given that the matter was referred to UDC in March of this year.

Turning to the specifics, the driver told the Enforcement Officer, and indeed this Committee today, that at the material time he was transporting one child with a passenger assistant, who was also interviewed by UDC. He had worked with that passenger assistant for quite a while. The child in question was non-verbal autistic and was about 7 or 8 years old. Prior to the complaint the child's behaviour was sometimes ok and sometimes he would 'kick off' and pinch and bite the PA which they reported to 24x7 Limited. The driver disputed that the child had ever refused to enter the vehicle.

He was then asked about the gifts and he said that the chocolate had been advent calendars bought for the passenger, his younger brother and their mother, with her permission. The driver also said that he gave a £5 note to the father following the birth of a child which he claimed was the type of thing his grandfather did. He explained that as a child himself he used to collect dinky toys and when he moved house he offered them to the children, again with the mother's alleged agreement, and that the giving of these gifts was witnessed by the passenger assistant.

The driver offered the same explanation to the Enforcement Officer as to 24 x 7 for his touching the child's head, namely that the child's front door was up 8-9 steps and that he would come charging out; the driver said that he waited at the bottom in case the child fell over, and that he might have touched the child's head when he got in the vehicle to stop him hitting his head. However, the driver denied that he wanted to get close to the mother. The driver believed that he got on well with both parents and they had three children. The driver did not think that the child came from a broken home.

The Enforcement Officer spoke to the driver's Passenger Assistant the PA on 23 September 2019. She supplied him with the following information: she had worked with the driver for about six months, she thought he seemed to be ok and she got on well with him. She also thought the family in question seemed nice, and the child was from a caring home. At Christmas time she had seen him give chocolate advent calendars to the step grandmother, but did not see him give these to the children.

The driver also saw him give the dinky toys to the children after seeking permission from the mother, but that at the time she had appeared distracted as she was getting another child out of her vehicle. The PA said that the mother had asked either the PA or driver to wait at the bottom of the steps to stop the child falling over when he left the house. She did observe that the child's behaviour had changed and he would get upset if they went off route for diversions; he pinched her a couple of times and she thought it might have been because he had been poorly,

The PA did say that the driver could be a bit over-familiar with the mother and sometimes got in her personal space. She thought it was because he was friendly; possibly both over friendly and naïve, but not a threat to the children. She added that he thought the world of the children, and that some training would be appropriate. She also confirmed that the driver was never alone with the child; she did not see money being given to the father but said she was shocked that this had happened.

The driver's licence therefore comes before us today to consider whether he remains a fit and proper person to hold a licence in light of this safeguarding complaint. We are concerned to note that the date of their referral of the matter to us suggests that Suffolk County Council were dissatisfied with the response of 24 x 7 to their concerns, and we are similarly troubled to note he is still driving children in Essex, albeit a larger group and older, presumably on the basis safety lies in numbers. Where children are concerned we do not agree.

We have read the papers before us and we have heard from the driver. We have asked him a number of questions regarding the safeguarding training he has received and we are extremely concerned at the limitations thereof. We also note that he is extremely sorry for what has happened, but nevertheless the primary function of this Committee is the protection of the public and we note the seriousness of the allegations. Children are among the most vulnerable members of our society and anyone employed to work with them, particularly lone workers (as the driver now is), holds a position of great trust. Suffolk County Council clearly do not feel him to be worthy of that trust, and we agree. It is our view that the driver has abused that trust, and as a result we feel that we have no option but to revoke his drivers' licence with immediate effect in the interest of public safety under S61(1) ( b) Local Government (Miscellaneous Provisions) Act 1976 – any other reasonable cause.

There is a right of appeal against this decision which must be exercised within a period of 21 days. During that period the licence would ordinarily remain in force, and would continue thereafter until the conclusion of the appellate process, but this does not apply in this case since the revocation is with immediate effect in the interests of public safety. The driver will receive a letter from the Legal Department explaining this.

LIC35

## **DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE**

*The Chair moved Item 7 forward in the proceedings.*

The Enforcement Officer gave a summary of the report. A Community Protection Officer for Maldon District Council and an accredited officer of Essex Police was performing road safety duties with a hand held speed camera in Maldon. He was approached by the driver who appeared to be very agitated and confrontational, and seemed aggrieved that the Officer was doing speed checks without putting signage up. The driver stated that the Officer appeared to be holding a gun and looked dangerous and repeated this a number of times.

The Officer clearly identified himself as an Essex Police accredited Officer doing speed checks and supplied his name and said that the driver could make enquiries with Essex Police if he was unhappy with the situation. The driver said the Officer should get his “governors to kick your arse,” he also said that the Officer was a “sarcastic tosser” and an “idiot” a “jerk” and said that he should get “his arse kicked.”

*A video of the driver’s encounter with the police officer was shown to the panel.*

The driver said he had been on edge at the time when he went over to speak to the officer. He had not known he was with the police and his ID had been tucked into his jacket. He had thought he had a gun. He had never had any experiences like that before. He had genuinely believed something wasn’t right and had lost his temper, particularly when the officer did not seem to take the matter seriously and refused to let the driver take a photo of his ID.

In response to a Member question, the driver said he had reported the incident to Essex Police, and had received a response.

*Copies of this response were circulated to Members.*

In response to a Member question, the driver said that with hindsight he would have been more measured and called the police. Such behaviour was not typical of him.

The driver said he hoped the situation could be used to educate people about what could be done better.

*Copies of a reference from the Head Teacher at a school he drove for were circulated to the Panel.*

At 12.40, the Committee retired to make its decision.

At 13.00, the Committee returned. The decision was read to those present.

RESOLVED to take no further action on the driver’s drivers licence.

DECISION NOTICE –

The application before the Panel today is for the suspension or revocation of the driver’s private hire licence number PHD0452 under S61 (1) (b) Local Government (Miscellaneous Provisions) Act 1976.- any other reasonable cause. The licence is due to

expire on 31 August 2021 and the driver was first licenced by this authority on 24<sup>th</sup> September 2009. He works for 24 x 7 on school contract work.

We have had the opportunity of reading the officer's report in this case, a copy of which has been served on the driver, and we have also seen, as has he, the background documents annexed thereto including email correspondence and notes of a telephone conversation between him and the Enforcement Officer.

The driver is before us today because on 12 July 2019, A Community Protection Officer for Maldon District Council and an accredited officer of Essex Police, was performing road safety duties with a hand held speed camera in Fambridge Road, Maldon. He was approached by a driver of a silver Skoda Karoq registration number LK19 AAY which is private hire vehicle 2352. The driver of the vehicle, who was subsequently identified by 24x7 Limited as the driver, appeared to very agitated and confrontational. Their exchange was recorded by the officer on his body cam, and we have had the opportunity of viewing the footage.

Briefly, the driver appeared aggrieved that the Officer was doing speed checks without putting signage up. Only Community Speedwatches manned by volunteers are required to do so. The driver stated that the Officer appeared to be holding a gun, looked dangerous and repeated this a number of times. However, the Officer clearly identified himself as an Essex Police accredited officer doing speed checks, supplied his name and said that the driver could make enquiries with Essex Police if he was unhappy with the situation. The driver said the Officer should get his "governors to kick your arse," called him a "sarcastic tosser", an "idiot" a "jerk" and repeated that he should get "his arse kicked." He was subsequently spoken with by Officer Logie of the Road Crime Support Team on 16 July 2019, who reported that the driver would not let him speak and he had therefore to terminate the call. The notes and records kept by both officers were forwarded to UDC for attention.

The Enforcement Officer carried out a telephone interview with the driver on 11 September 2019. He provided the following information. He had seen the Officer on the side of the road pointing a hand held device. The driver believed it to be a firearm and he was genuinely concerned. Though the Officer was wearing a hi-vis top, the driver did not consider his demeanour professional as he was unshaven and clothes appeared old.

The driver then dropped his passenger off and came back to challenge the Officer, who was allegedly objectionable and "got in his [the driver's] personal space" although he accepted that he did get in the Officer's space on one occasion. He then said that the Officer did not have any signage to indicate that he was doing speed checks. The driver said that he did not call the Police at the time as he could not afford to hang about to wait for their attendance which is why he decided to deal with the matter himself: he had been in the security industry before as a doorman. His sole employment is now driving.

The Enforcement Officer then asked why the driver why he swore at the Officer and he explained that he did not believe that "tossers" is a swear word and that when he has been called one, he does not take offence. The driver does believe that the Officer should have allowed him to take a photo of his ID so that he could remember the details. In conclusion, he admitted that with hindsight he made a genuine mistake and offered to apologise to the Officer. The driver has since submitted an email of apology via the Enforcement Officer to the Officer.

However, we are mindful of the conditions of licence for private hire/hackney carriage drivers, condition 1 of which states drivers will 'be polite.' On 12<sup>th</sup> July he was not.



We have heard from the driver. He answered our questions frankly and read out a prepared statement, He was very critical of the behaviour of the Officer and of the way Essex Police handled his subsequent telephone call, saying that the former should have “embraced the opportunity” to educate him regarding the technology being used.

He told us about the challenges the children he drives face, and he read aloud to us a letter of reference obtained from the Headteacher of the school attended by them. This letter was very positive and we note their strong support of him. We have had an explanation as to what the camera Officer was holding looks like and we note that it would have been perfectly open to him to drop it down to his side when speaking to the driver. We do not consider he did all he could have done to defuse the situation and neither party should have allowed this situation to escalate to the point that it did. We also note that a formal apology was offered very quickly.

We note that the driver has been licensed by UDC for ten years and we also observe that he has never been before this Committee. We are therefore going to allow him to retain his licence, but we do consider that he should keep a tighter rein on his temper in the future and we do not expect to see him before us ever again.

## LIC36 **DETERMINATION OF A PRIVATE HIRE VEHICLE LICENCE**

The Enforcement Officer gave a summary of the report. The driver had previously been working for Happicabs but was no longer working for them and the authority had no knowledge that he was working for any other firm. The driver had been contacted by the authority as he had failed to renew his driver’s licence and had had his badge confiscated, before he drove off in his private hire vehicle. The driver had failed to attend two interviews with officers, and so his private hire vehicle licence had been brought to the panel for consideration by members.

RESOLVED to revoke the driver’s private hire vehicle licence.

### DECISION NOTICE

The application before the Panel today is for the revocation of the driver’s private hire vehicle licence number 99 under S61 (1) (c) Local Government (Miscellaneous Provisions) Act 1976.- any other reasonable cause. The vehicle was first licensed by UDC on 2<sup>nd</sup> January 2017. The driver’s joint PHV/hackney carriage driver’s licence no PH/HC3226 expired on 30<sup>th</sup> June 2019 and his last lawful driving role was with Happicabs.

The driver’s drivers licence was issued for a period of six months only due to his immigration status. He was notified by email of 1<sup>st</sup> July 2019 of the steps he needed to take in order to renew this, and among other things, he was required to produce specific documentation evidencing his right to work. In response to this he arranged an appointment with the Licensing Officer for 4<sup>th</sup> July, which he failed to attend. Instead, he appeared at the Council Offices unannounced the following day, without the necessary documentation, and accordingly the member of the Licensing Dept staff he saw took his badge from him. However, he then drove off in the Zafira license plate no 99 and was seen by that staff member to do so.

Our attention has been drawn to the 1997 decision of the Divisional Court in *Benson v Boyce* [1997]RTR266; [1997] EWHC 35, per Mance J (as he then was)

*“...There is no suggestion in the present case that the relevant vehicle was a hackney carriage anywhere, and the vehicle was being driven in the controlled district where it was both licensed and used characteristically as a private hire vehicle. I consider that the correct interpretation of S46(1) (b) [of the 1976 Act] is that it applies to all driving in a controlled district of a vehicle characterised under S80(1) as a private hire vehicle, whatever the specific activity in connection with which the vehicle is in fact being driven”*

We add that the S46(1)(b) referred to by his Lordship is S46(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, which makes the driving of a licensed PHV vehicle without a PHV drivers' licence an offence, for which the penalty is a fine of up to £1000 on conviction. We also understand that historically, there was a practice of granting PHV drivers' spouses a limited licence so that the vehicle could be used as the family car, but these days the level of car ownership is such that this is rarely needed.

The driver has twice failed to attend for interview under caution and we understand that the matter is likely to be referred to Legal Services for prosecution. We therefore have no alternative, taking into account all the circumstances, but to revoke the PHV licence for NU64 VHM. The driver is not prevented from applying to relicence the vehicle or from working as a driver and thereby earning a living provided the trinity of licenses – driver, operator and vehicle, all issued by the same authority are in place. The revocation has immediate effect so the vehicle may be legally driven.

The driver has a right of appeal to the Magistrates Court against this decision, exercisable within 21 days, and he will receive a letter from the Legal Department explaining this.

LIC37

## **DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE**

The Enforcement Officer gave a summary of the report. The Licensing Department carried out a Drivercheck on the driver's DVLA records on 16 August 2019. This revealed that he was convicted of two offences on 12 February 2019 of IN10 (no insurance) and CU80 (using a mobile phone). It showed that he received 8 penalty points for these offences. The Enforcement Officer did make enquiries with HM Courts & Tribunals Service (HMCS) and they responded with details of the convictions. It showed that he was convicted in his absence of driving whilst using a mobile phone and driving without insurance only one day after obtaining a private hire/hackney carriage driver's licence.

RESOLVED to revoke the driver's drivers licence.

### 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/HC0062 under S61 (1) (b) Local Government (Miscellaneous Provisions) Act 1976.- any other reasonable cause. The licence is due to expire on 31 January 2022 and the driver was first licenced by this authority on 11<sup>th</sup> February 2019. His last known driving role was with Happicabs who advised the Council that he had ceased to work for them some time in April.

We have had the opportunity of reading the officer's report in this case, a copy of which has been served on the driver, and we have also seen, as has he, the background documents annexed thereto, including a DVLA DriverCheck dated 16<sup>th</sup> August 2019, the Council's Licensing Standards, and some email correspondence with Happicabs and HMCTS.

The driver is before us today because the Drivercheck revealed two convictions dated 26<sup>th</sup> April 2019 for two offences committed on 12<sup>th</sup> February - an IN10 offence in respect of no insurance and a CU80 offence of using a mobile phone while driving. He was fined £660, ordered to pay costs of £90 and a victim surcharge of £66, and received a total of eight penalty points for these offences. We note that they were committed the day after he was granted a licence by this authority.

The Enforcement Officer wrote to and emailed the driver on 23 August 2019 to explain that his licence would be referred to the Licensing and Environmental Health Committee. The Officer gave him seven days to contact him to arrange a meeting, but no response was received.

Our attention has been drawn to section 2.29 of the suitability policy which reads 'a major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). *It also includes driving without insurance or any offence connected with motor insurance.* Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.'*[Our italics]*

We are also mindful of section 2.41 which reads 'as public trust and confidence in the overall safety and integrity of the system of taxi licensing is vital, where a licence holder has received a conviction for any category of offences detailed above, their licence(s) will be revoked.

The primary function of this Committee is the protection of the public and we note the seriousness of the offences. Drivers are required to have insurance for good reason and though there are provisions in place to ensure that victims of uninsured drivers are compensated, it does mean there are additional procedural steps that such people have to take if there is an accident, and the compensation scheme relates to personal injury only. Driving while using a mobile phone only exacerbates matters and we repeat these offences took place the day after the driver was granted his licence. He did not attend Court, he did not respond to correspondence from the Enforcement Officer, and he did not attend before us today. While mercifully there was no accident we therefore feel that the safety of the public requires the revocation under S61 (1) (b) of the 1976 Act of the driver's drivers' licence with immediate effect – any other reasonable cause. This is because the nature of the offences is such that allowing him to continue to drive could have a serious impact upon the safety of the travelling public.

There is a right of appeal against this decision which must be exercised within a period of 21 days. Normally, during that period the licence remains in force and thereafter until the conclusion of the appellate process, but since the revocation was with immediate effect in the interests of public safety this period of grace does not apply. The driver will receive a letter from the Legal Department explaining this.