

**Committee:** Licensing and Environmental Health Committee  
**Title:** Determination of a private hire/hackney carriage driver's licence  
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## Summary

This report has been submitted for members to consider suspension or revocation of a private hire/hackney carriage driver's licence. The suspension or revocation of the driver's licence is in accordance with section 61(1)(a)(i) Local Government (Miscellaneous Provisions) Act 1976.

## 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. Licensing of driver's section of the policy.
  - b. Uttlesford District Council restrict driver conditions.
  - c. News article dated 14 August 2018.

## Impact

Communication/Consultation	None.
Community Safety	The Authority to licence driver's who are considered to be 'fit and proper.'
Equalities	None.
Health and Safety	None.
Human Rights/Legal	Under section 61 of the LG(MP)A 1976 District Council's may suspend or

Implications	<p>revoke a drivers licence for:</p> <p>(a) That since the grant of the licence he has-</p> <p>(i) been convicted of an offence involving dishonesty, indecency or violence; or</p> <p>(ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of any part of the Act; or</p> <p>(b) any other reasonable cause.</p> <p>In the event of a licence being suspended or revoked a driver has the right of appeal to a Magistrates Court.</p>
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

## Situation

1. Mr Andrew Logan currently holds a private hire/hackney carriage driver's licence (PH/HC0970) which is due to expire on 28 February 2019. He was first licensed by this Authority on 21 March 2014.
2. Mr Logan is a mechanic at a Council approved testing station so currently only holds a restricted private hire/hackney carriage driver's licence. This is because he did not transport members of the public but tested the licensed vehicles and only licensed drivers can drive licensed vehicles.
3. It has recently come to the Council's attention that Mr Logan has been imprisoned for 14 months after admitting the offences of threatening to damage or destroy property and causing criminal damage following an incident in Bishops Stortford on 23 April 2018.
4. Mr Logan rang up his ex-partner at 11.45pm that night telling and told her that he was two minutes away and that he had a knife and that he would 'burn her out.' A few hours later he arrived at the driveway of her father's house where she was staying, and started to beep his horn and flash the lights. He then attacked the house itself and damaged the front door.
5. When Mr Logan was sentenced he told the recorder that 'you will be judged too one day' and swore towards him and his former girlfriend. When he was taken to the cells he continued to shout and punch the walls.

6. According to licensing records Mr Logan was last known to be living at 2 High View, Dutton Hill, Dunmow, Essex, CM6 2DY. However, the newspaper article indicates that Mr Logan was living at an address at Woodfields, Stansted. Mr Logan appears to have also therefore breached one of his restricted drivers conditions of licence as he is required to notify the Council in writing of a change of address within seven days (condition 1a). Mr Logan has not been sanctioned for this.
7. Mr Logan's licence therefore comes before members to consider whether he remains a 'fit and proper' person to hold a private hire/hackney carriage driver's licence as he has been imprisoned for a violent offence.

## Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
An unsuitable person may be licensed to drive licensed vehicles.	1- Members has 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 driver remains a fit and proper person as he has been imprisoned.

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.