

Item 8 Revocation of a Private Hire Vehicle Driver's Licence

Report of the Head of Administration (Portfolio: Corporate)

Recommended:

That it be noted that the Head of Administration has revoked a Private Hire Vehicle Driver's Licence.

SUMMARY:

- The Head of Administration has used his delegated powers to revoke a Private Hire Driver's Licence as a result of the driver being disqualified from driving.
- Members of the Licensing Committee have previously requested that they be informed of any occasions when refusals, suspensions and revocations occur.

1 Introduction

- 1.1 The Head of Administration has delegated powers to refuse applications for Private Hire Vehicle Driver's Licences and also to suspend or revoke such Licences once issued. In this case the revocation was based on the Council's licence condition number 106(c) which states "if the driver becomes disqualified from driving under any of the Road Traffic Acts ... the Licence shall be automatically revoked". Members of this Committee have requested that they be informed of Licence refusals, suspensions and revocations.

2 Background

- 2.1 Towards the end of 2009 officers were contacted by the Police who advised that a licensed Private Hire Vehicle had been involved in a road traffic accident in Andover. During investigation of the accident it was discovered that the driver had no current insurance. The driver was arrested and charged by the Police and appeared before the Magistrates Court in May 2010 where he was duly convicted and received six penalty points on his driving licence and was disqualified from driving for six months. By becoming disqualified the driver was caught by the Licence condition 106(c) as detailed above. In addition, the driver has failed to comply with Licence condition 107 which states "The Driver shall inform the Head of Administration ... of any conviction in any court at any level immediately following the court hearing and failure to comply with the condition may result in any Licence being suspended or revoked".

- 2.2 The Head of Administration has written to the driver and advised him of the revocation. The driver had applied to renew his licence and so has been advised that his application has been refused as he is disqualified and thus currently does not hold a valid driving licence. The driver could reapply for a licence at the end of his disqualification but the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy states that for applicants with a conviction for driving without insurance, the Council would normally expect there to be a period of at least two years from the date of conviction before an application would be accepted. The driver has been advised of this.

3 Corporate Objectives and Priorities

- 3.1 The licensing of Private Hire Vehicle Driver's falls within the broader remit of community safety and thus the Council's SCHEME priority of 'creating stronger and safer communities'. In deciding whether to grant a licence, the overriding consideration will be the protection of the public. As Private Hire Vehicle Driver's are employed in a position of trust and may often carry unaccompanied passengers, the Council's policy is that applicants with a serious criminal conviction will normally be refused a licence.

4 Consultations/Communications

- 4.1 None, other than an exchange of communication with the police regarding the conviction.

5 Options

- 5.1 There are no alternative options as the Council's licence conditions state that upon disqualification, a Licence is automatically revoked.

6 Resource Implications

- 6.1 There are no resource implications as a result of this report.

7 Legal Implications

- 7.1 In accordance with the legislation, the driver had the right of appeal against the Head of Administration's decision which should have been lodged with the Magistrates Court within 21 days of the driver being informed by the Council. No appeal was lodged.

8 Equality Issues

- 8.1 An Equalities Impact Assessment was undertaken when the policy mentioned in paragraph 2.2. above was first adopted in 2007.

9 Other Issues

- 9.1 Community Safety – see 3.1 above.
- 9.2 Environmental Health/Sustainability Issues – none.
- 9.3 Property Issues – none.
- 9.4 Wards/Communities Affected – none specific although potentially the whole Borough.

10 Conclusion

- 10.1 The matter is reported to the Committee for information only so that members can be made aware that the Head of Administration has used his delegated powers.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Report to Licensing Committee 24 September 2007.			
Test Valley Borough Council Hackney Carriage and Private Hire Vehicle Licensing Guidelines.			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	Nil		
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