

## **Item 7      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 convicted for theft.
- 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(a) which states that licences "may be suspended, revoked or not renewed by the Council if the driver has since the grant of the Licence, been convicted of an offence involving dishonesty, ...". Members of this Committee have requested that they be informed of Licence refusals, suspensions and revocations.

### **2      Background**

2.1    During the summer of 2010 officers were contacted by Hampshire Constabulary who advised that Wiltshire Police had cautioned a licensed Private Hire Vehicle Driver for theft (specifically making off without payment for fuel). Subsequently officers received notification from Sussex Police for a similar caution. Then in late autumn 2010 officers were advised by Hampshire Constabulary that the driver had been arrested, charged and subsequently convicted of four instances of making off without payment. In addition the driver was convicted for failing to surrender to custody at the appointed time. The driver received a community service order and was required to pay compensation and costs. The conviction meant that the driver was caught by the Licence condition 106(a) as detailed above. In addition, the driver had 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 conviction was in early November 2010 but the Council were not formally advised until the end of that month. Once notification was received, the Head of Administration wrote to the driver and asked him to attend an interview to explain the circumstances of his conviction. The driver failed to attend this interview arranged for December 2010 and a further interview was arranged for early January 2011 which the driver also failed to attend. Consequently the Head of Administration decided that in light of the conviction, cautions and failure to attend for interview he did not believe the driver was a fit and proper person to hold a licence and the licence was revoked. The Licensing Committee has not met since the revocation took place and so this meeting is the first opportunity available to inform members of what has taken place.

### **3 Corporate Objectives and Priorities**

- 3.1 The licensing of Private Hire Vehicle Drivers falls within the broader remit of community safety. In deciding whether to grant a licence, the overriding consideration will be the protection of the public. As Private Hire Vehicle Drivers are employed in a position of trust and may often carry unaccompanied passengers, the Council's policy is that applicants with certain criminal convictions will normally have their licence suspended or revoked.

### **4 Consultations/Communications**

- 4.1 None, other than an exchange of communications with the police regarding the driver's cautions and conviction.

### **5 Options**

- 5.1 The only alternative option would have been for the driver to remain licensed. This was considered to be inappropriate in light of the driver's failure to communicate with the Council.

### **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. Officers have been informed that the driver has subsequently received a further conviction as a result of his failing to comply with the community order resulting from the original conviction.

## 8 Equality Issues

- 8.1 An Equalities Impact Assessment was undertaken when the Council's policy regarding the licensing of drivers 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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