

## **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 Driver's Licence as a result of the driver failing to submit a satisfactory medical report.
- 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 Hackney Carriage and Private Hire Vehicle Driver's Licences and also to suspend or revoke such Licences once issued. In this case the revocation of the Licence issued to Mr Clive Ashby was based on the Council's licensing policy which requires drivers to submit a satisfactory medical report (to Driver and Vehicle Licensing Agency Group 2 standards). Members of this Committee have requested that they be informed of Licence refusals, suspensions and revocations.

### **2.      Background**

- 2.1 For a number of years the Borough Council, in common with all other Hampshire authorities, has required Hackney Carriage and Private Hire Vehicle Drivers to meet the Group 2 medical standards set by the Driver and Vehicle Licensing Agency (DVLA). This requires applicants to submit a satisfactory medical report when they first apply for a licence, then again at the age of 45, 50, 55, 60 until 65. After this age medicals will be required annually. The driver in question had reached the age of 50 and was thus asked to submit a medical report with his application to renew his licence. Despite being sent reminders, speaking with officers on several occasions and being given some months to remedy the situation, Mr Ashby failed to do so. He was then given the opportunity of attending for an interview with the Head of Administration but declined to do so. Accordingly Mr Ashby has now had his licence revoked.

- 2.2 The legislation regarding the licensing of drivers allows the Borough Council to seek additional information and specifically refers to a medical test. The policy of Test Valley Borough Council, along with the majority of licensing authorities in England and Wales, is that drivers meet the Group 2 medical standards set by the Driver and Vehicle Licensing Agency (DVLA) which is the standard applied to coach, lorry and bus drivers. Without a satisfactory medical report, the Borough Council cannot meet the requirement laid down in the legislation of being “satisfied that the applicant is a fit and proper person to hold a driver’s licence”.

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

- 3.1 None; the licensing of Hackney Carriage and Private Hire Vehicle Drivers is a statutory function of the Borough Council. In deciding whether to grant a licence, the overriding consideration will be the protection of the public. As Hackney Carriage and Private Hire Vehicle Drivers are employed in a position of trust and may often carry unaccompanied passengers, the Council’s policy is that applicants meet a number of requirements including provision of a satisfactory medical report to DVLA Group 2 standards.

### **4 Consultations/Communications**

- 4.1 None, other than an exchange of communication with the driver concerned.

### **5 Options**

- 5.1 There are no alternative options as the Council’s licensing policy states that drivers are required to meet the DVLA Group 2 medical standards.

### **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.

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| <u>Background Papers (Local Government Act 1972 Section 100D)</u>  |                     |       |               |
| Reports to Licensing Committee 24 September 2007 and 11 October 2011   |                     |       |               |
| 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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