

Item 8 Suspension 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 suspended a Private Hire Vehicle Driver's Licence.

SUMMARY:

- The Head of Administration has used his delegated powers to suspend a Private Hire Driver's Licence as a result of the driver receiving a criminal conviction.
- 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 suspension of the Licence issued to Mr J M Kirkby was based on section 61 of the Local Government (Miscellaneous Provisions) Act 1976 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 certain offences. Members of this Committee have requested that they be informed of Licence refusals, suspensions and revocations.

2 Background

- 2.1 As part of the licensing process a criminal records disclosure was received earlier this year which revealed that Mr Kirkby had been convicted in 2010 of an offence. The driver had failed to comply with Licence condition 63 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 Once the disclosure was received, the Head of Administration interviewed the driver and asked why he had not advised the Borough Council of his conviction. He explained that although found guilty, the judge had remarked that he would not receive a criminal record for this conviction.

Mr Kirkby made the point that the offence was not related to his role as a licensed driver and also, as explained at the time of the conviction, there were mitigating circumstances. Following his interview Mr Kirkby then contacted the Criminal Records Bureau (CRB) to dispute the record and made reference to the judge's comments. After investigating, the CRB wrote to the driver and advised that in their view the record was correct and the conviction would remain in place. Consequently, after taking all relevant factors into consideration, the Head of Administration decided that it would be appropriate to suspend the licence for a period of two weeks.

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 driver, Harwin Associates and the CRB regarding the driver's conviction.

5 Options

- 5.1 The alternative options would have been for the driver to remain licensed, been suspended for a longer period or to have his licence revoked. These options were considered to be inappropriate in light of the nature of the offence.

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 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.

Background Papers (Local Government Act 1972 Section 100D)

Report to Licensing Committee 24 September 2007.

Test Valley Borough Council Hackney Carriage and Private Hire Vehicle Licensing Guidelines.

Confidentiality

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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