

## LICENSING AND APPEALS SUB-COMMITTEE

12<sup>TH</sup> DECEMBER 2022

Report of the Director of Regulatory Services

### RENEWAL OF COMBINED TAXI/PRIVATE HIRE VEHICLE DRIVER'S LICENCE – MOTORING CONVICTIONS

#### PURPOSE OF REPORT

To determine whether the holder of a Combined Taxi/Private Hire Driver Licence, issued by the District Council, continues to be a fit and proper person to hold a licence.

In August 2022, **Applicant A** applied to renew his driver licence and as part of the renewal process a DVLA record check was carried out which confirmed that he had accumulated 6 points on his DVLA Driving Licence, since his last renewal in 2019.

Under the District Council's current Taxi Licensing Policy, an Officer is not delegated to grant or renew the licence under these circumstances, and the matter must be referred to a meeting of the Licensing and Appeals Sub-Committee for consideration.

The legal issue to be determined by the Committee is whether **Applicant A** continues to be a fit and proper person to hold a Combined Taxi/Private Hire Vehicle Driver's Licence (badge).

#### RECOMMENDATION:

That the Committee determines whether **Applicant A** is a fit and proper person to continue to hold a combined Taxi/Private Hire Vehicle Driver's Licence.

#### WARDS AFFECTED

All

#### STRATEGIC LINK

An effective licensing regime contributes towards the District Council's priority of a thriving district, particularly in relation to business growth and job creation. Effective enforcement of this regime contributes to our vision of a distinctive rural environment with towns and villages that offer a high quality of life.

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## 1 BACKGROUND

### 1.1 The Application

On 24 August 2022, an application was received from **Applicant A**, to renew his Combined Taxi/Private Hire Vehicle Driver's Licence.

- 1.2 On receipt of the completed application and fee, various checks are required to be carried out by the Licensing Team. The checks include ensuring that a licensed driver's DVLA record, enhanced criminal record (DBS), and Medical Certificate are all satisfactory.
- 1.3 When **Applicant A's** DVLA check was carried out the report confirmed that he had accumulated 6 points on his DVLA Driving Licence, for 2 offences which are described as *SP30 - Exceeding the statutory speed limit on a public road*. The first offence occurred in November 2020 and the second one in April 2022, with each one attracting 3 points for the driver.

These points were disclosed by **Applicant A** in his application to renew his licence.

- 1.4 **Applicant A** has been licensed by the District Council since 1988 and according to the records held by the Licensing Team this is the first time that he has been referred to the Committee for speeding offences.
- 1.5 The Council's Policy regarding motoring offences/convictions

In 2017/2018 the District Council reviewed and published its current Taxi and Private Hire Licensing Policy. The final Policy was adopted by the full Council and came into effect on 1st May 2018.

- 1.6 Appendix F of the Taxi Licensing Policy provides details of the Council's Breaches of Conditions and Convictions Scheme. This is an administrative system that provides a transparent and proportionate method generally used to determine the relevance of criminal convictions and breaches of conditions in relation to applications for hackney carriage (taxi) and private hire vehicle driver's licences. (See **Appendix 1** for a copy of Appendix F of the Policy – produced in full, for completeness and context).
- 1.7 In **Paragraph 2.2 - Motoring Convictions**, the Committee will note that the Delegation for 6 or more points on a driving licence requires an Officer to refer the application/renewal to a meeting of a Licensing & Appeals Sub-Committee for consideration.
- 1.8 Fit and Proper 'Test'

There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have developed. These tend to be based on a test similar to the following:

“Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”

- 1.9 If the answer to this question (or a similar test) is an unqualified 'Yes', then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a Hackney Carriage/Private Hire Vehicle driver's licence.

## 2 OPTIONS

2.1 The Committee has the following options:

- To resolve that **Applicant A** is a fit and proper person to continue to hold a Combined Taxi/Private Hire Driver's Licence, and for the licence to be renewed.
- To refuse to renew the licence on the grounds that **Applicant A** is no longer a fit and proper person to hold a Combined Hackney Carriage/Private Hire Driver's Licence.

Where any Applicant is not satisfied with the decision, there is a right of appeal to the Magistrates' Court within 21 days of receipt of the formal Decision Notice.

## 3 PROCEDURE

3.1 The procedure for the Committee is set out in **Appendix 2**.

## 4 RISK ASSESSMENT

### 4.1 Legal

The Committee must exercise their discretion reasonably.

Section 61(3) of the Local Government (Miscellaneous Provisions) Act 1976 states that any driver aggrieved by a decision of a district council to suspend or revoke his or her licence may appeal to a magistrates' court.

### 4.2 Financial

There are no financial risks arising from this report.

### 4.3 Corporate Risk

These decisions are one of the functions in which the Council acts in a quasi-judicial capacity. It is important that these decisions are robust to protect the reputation that the Council has for sound decision-making that stands up to scrutiny.

## 5 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## 6 CONTACT INFORMATION

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## 7 BACKGROUND PAPERS

Not applicable.

## **8 ATTACHMENTS**

***Appendix 1*** – Appendix F of DDDC's Taxi and Private Hire Licensing Policy (2018)

***Appendix 2*** - Committee Hearings Procedure