

Report to Environment and Licensing Committee

Subject: Change of circumstance of Hackney Carriage / Private Hire Drivers Licence No. 2523

Date: 9th February 2016

Author: Corporate Director

Name of Applicant: Asim Ali

Mr Ali holds a current Hackney Carriage / Private Hire Drivers Licence which is due to expire on 19th January 2017

Mr Ali did not notify the authority of any pending prosecution on his application for renewal application in December 2015

According to our records Mr Ali did not notify the Authority of convictions in January 2016 in accordance with his licence conditions.

Conviction declared by the licence holder in accordance with his licence conditions

20.01.2016	Plying for hire on 23.08.2015	£80 fine
		£100 Contribution
		Costs
		£20 Victim
		Surcharge

Taxi Licensing Policy

The Authority's Statement of Policy and Guidelines for the Licensing of Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators states:

(iii) Major Traffic Offences

An isolated conviction for a major traffic offence such as dangerous driving which involves a disqualification from driving for any period will require careful

consideration of the facts, particularly where the offence has resulted in injury or accident. At least 3 years free from conviction after the restoration of the DVLA licence should elapse before an applicant is granted a licence.

Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. An application for a licence will normally be refused where the conviction is less than 2 years prior to the date the application is considered.

Where an existing licence-holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will be revoked by the Corporate Director under delegated powers.

Where an existing licence-holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be revoked and any subsequent application for a new licence will be determined in accordance with the guidance above.

(g) Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976

(i) “Plying for hire” Offences

Suspension of a driver’s licence may be appropriate where an existing licence-holder has been convicted of an offence of plying for hire. The following table serves as guidance on the appropriate length of suspension, but the suspension period may be varied depending on the individual circumstances surrounding each case.

Circumstances	Period of Suspension
Where a driver is convicted of Plying for Hire on a first occasion and the Borough Council is notified by the driver of the offence.	28 days
Where a driver is convicted of Plying for Hire on a first occasion and the Borough Council is <u>not</u> notified by the driver of the offence	56 days
Where a driver is convicted of Plying for Hire on more than one occasion within 2 years	112 days

In addition, the Committee takes a serious view where it is alleged that an applicant has committed an offence of plying for hire without a licence at any time during the 6 months immediately prior to the date the application is considered. In such circumstances, the applicant will normally be refused a licence if the Committee is satisfied on balance that the applicant picked up a passenger without a prior booking.

Further Information

None

Issues for consideration by the Environment and Licensing Committee

The Committee is asked to determine what action they wish to take with regard to the change of circumstance of Mr Ali in relation to his Hackney Carriage/Private Hire Driver's Licence. Options available to the Committee are:-

1. Take no action.
2. Issue a warning.
3. Suspend the licence for a period of time.
4. Suspend the licence for a period of time and issue a warning.
5. Revoke the licence.

Mr Ali has been invited to attend and address the Committee.

Recommendation

For consideration by the Environment and Licensing Committee