

**CONSIDERATION OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

**Report of the Licensing Officer**

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**1.0 PURPOSE OF REPORT**

1.1 To consider case X for a Hackney Carriage/Private Hire Driver's Licence.

**2.0 RECOMMENDATION**

2.1 That case X licence retention be considered by the Licensing Committee.

**3.0 SUMMARY**

3.1 The Committee to consider the fitness of case X to continue to hold a driver's licence.

3.2 The relevant legislation states that a district council shall not grant a licence "unless they are satisfied that the Applicant is a fit and proper person to hold a driver's licence".

3.3 There is no statutory definition of "fit and proper person" but case law suggests that the issue of whether an applicant is a fit and proper person should be approached by proper consideration of the objectives of the licensing regime. These objectives are intended to ensure, so far as possible, that those licensed to drive private hire vehicles are:

- Safe drivers with good driving records and
- Adequately experienced and
- Sober and
- Mentally and physically fit and
- Honest and
- Not persons who would take advantage of their employment to abuse or assault passengers and
- Not persons who would take advantage of their employment to engage in criminal activity

3.4 The recent allegations recorded against him bring into question as to whether the driver continues to be a 'fit and proper person' to hold a hackney carriage / private hire driver licence with Havant Borough Council.

3.6 The Committee is therefore requested to consider whether the driver should retain his licence in light of the recent incidents.

#### **4.0 IMPLICATIONS**

##### *Financial*

4.1 None arising directly from this item

##### *Legal*

4.2 Sections 61 of the Local Government (Miscellaneous Provisions) Act 1976 states that a District Council may suspend or revoke the licence of a driver of a hackney carriage and private hire vehicle on any of the following grounds:

- a) that he has since the grant of the licence—
  - i) been convicted of an offence involving dishonesty, indecency or violence; or
  - ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or
- b) any other reasonable cause.

Should the Committee decide to revoke or suspend the licence the driver would have a right of appeal to the Magistrates Court.

##### *Strategy (Community and Corporate)*

4.3 None arising directly from this item

##### *Equalities/Customers*

4.4 None arising directly from this item

##### *Risk*

4.5 None arising directly from this item

##### *Communications/Public Relations*

4.6 None arising directly from this item

#### **Appendices:**

- (A) Licensing Officers Report
- (B) Copy of Renewal Application
- (C) Copy of Criminal Record Report – (To Follow)

**Agreed and signed off by:**

Legal: 1 April 2015

Service Manager: 26 March 2015

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