



## APPEAL AGAINST REVOCATION OF PRIVATE HIRE LICENCE

### 1 PURPOSE OF REPORT

- 1.1 To consider an appeal against the revocation of a Private Hire Driver's Licence

### 2 LINKS TO COUNCIL'S PRIORITIES AND OBJECTIVES

- 2.1 This report relates to Economy and Growth, People and Place

### 3 RECOMMENDATION

- 3.1 The decision of the Panel is required following proper consideration of the appeal and any representations made to the Panel.

### 4 INTRODUCTION

- 4.1 Driver G has held a Restricted Private Hire Driver's Licence issued by Castle Point Borough Council since 11 December 2023. All Private Hire Driver's Licences are issued over a 3 year period with a fixed expiry of 30 June 2024.
- 4.2 After receiving the process for renewal of the licence from CPBC Driver G informed the Licensing Team by email on 29 May 2024 of an accumulation of 12 points on his DVLA Driver's Licence which resulted in a 6 month disqualification from 4 January to 4 July 2024. A copy of the notification email is attached at **Appendix A**.
- 4.3 The current endorsements on Driver G's licence are as follows:

Endorsements	Penalty	Conviction Date	Removal Date	Description
TT99	Disqualification 4 January 2024 – 4 July 2024	4 January 2024	4 January 2027	“Totting Up” – if the total of penalty points reaches 12 or more within 3 years.

Endorsements	Penalty	Offence Date	Removal Date	Description
SP30	3 points	22 June 2023	22 June 2026	Exceeding statutory speed limit on a public road
SP30		23 May 2023	23 May 2026	Exceeding statutory speed limit on a public road
SP30	3 points	12 Aug 2022	12 Aug 2025	Exceeding statutory speed limit on a public road
SP30	3 points	20 July 2022	20 July 2025	Exceeding statutory speed limit on a public road

The DVLA Licence Summary is attached at **Appendix B**.

## 5 CASTLE POINT HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE CONDITIONS

- 5.1 The Hackney Carriage and Private Hire Licensing Policy was adopted to maintain the safety of public transport vehicles, drivers and paying customers. Failure to abide by the requirements of the Policy puts the safety of drivers and passengers at risk.

In order to protect the public the Council can only support licensed drivers that are reliable and of good standard and therefore a person being considered for a licence will need to satisfy all aspects of the Council's pre-licensing standards before obtaining a licence **and** maintain these throughout the lifetime of the licence.

### Driving Licence Requirements

- 5.2 The Council's Hackney Carriage and Private Hire Licensing Policy Pre Licensing Standards include the two requirements:

"Not to have been disqualified from driving for any period of time during the three years prior to making the application."

"Not have been convicted of three or more motoring offences in the previous three years."

Driver G received a disqualification of 6 months on 4 January 2024 after 4 endorsements and would be required to hold the licence continuously until July 2027 before being considered for licensing again.

**Assessment of Previous Convictions**

- 5.3 Guidance on assessment of previous convictions was contained within the Department for Transport’s (DFT) Statutory Taxi and Private Hire Vehicle Standards released in July 2020. These standards were adopted by the Council in November 2020 following a period of consultation and include the following in relation to driving offences

Offence	
<p>It is accepted that offences can be committed unintentionally, a single minor traffic offence would not prohibit granting a licence or revocation of an existing licence providing the authority considers that the licensee remains a fit and proper person</p> <p>Applicants with multiple motoring convictions</p>	<p>May Indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally</p>

**Notification of Convictions and Endorsements**

- 5.4 The Hackney Carriage and Private Hire Licensing Policy states:
- “Other convictions, cautions, penalty points and driving offences recorded since the completion of an application form for a licence must be reported to Licensing in writing or by electronic means withing seven days of the event.”

The Licensing Team was **not** notified of additional endorsements since the completion of the application form, or at the time of the disqualification.

Driver G’s original application form is attached at **Appendix C**.

**6 ACTIONS TAKEN**

**Revocation of Licence**

- 6.1 Following the notification regarding the driving licence disqualification Driver G no longer met the Council’s Licensing Standards and was no longer considered fit and proper to hold the licence. The Private Hire Driver’s Licence was revoked with immediate effect on 3 June 2024.

A copy of the revocation letter is attached at **Appendix D**.

The legislation relating to the suspension and revocation of a licence falls under Section 61(1) (b) Local Government (Miscellaneous Provisions) Act

1976 (LGMPA). Under this section a licensing authority can suspend, revoke or refuse to renew a Driver's Hackney Carriage or Private Hire Licence on any of the following grounds:

1. That he has since the grant of the licence

Been convicted of an offence involving dishonesty, indecency or violence; or 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;

2. That he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or

3. Any other reasonable cause.

Under Section 61(2B) a licensing authority has the power to revoke or suspend.

### **Fit and Proper Person**

6.2 The definition of what is a fit and proper person is not defined in law; however, the generally accepted test is:

*- Would you allow your son, daughter, mother, spouse or other person you care about to get into a vehicle with this person alone?*

The definition was supported in the judgment by HHJ Silber in the case of Leeds City Council v Hussain which surrounds the suspension of a driver:

... 'the purpose of the power of suspension is to protect the users of licensed vehicles and those who are driven by them and members of the public. Its purpose is to prevent licences being given or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty and that they are people who would not take advantage of their employment to abuse or assault people.'

### **Appeal Received**

6.3 The Council's Hackney Carriage and Private Hire Licensing Policy allows that an appeal can be made within 28 days against a decision to suspend or revoke a licence

Driver G submitted an appeal in writing within this period.

The appeal letter is attached at **Appendix E**.

## **7 OPTIONS**

7.1 Option 1: Dismiss the appeal and uphold the decision to revoke the Private Hire Driver's Licence. Driver G would be eligible to reapply in July 2027.

7.2 Option 2: Dismiss the appeal and uphold the decision to revoke the Private Hire Driver's licence but set a bespoke time when Driver G would be eligible to reapply.

7.3 Option 3: Accept the appeal and reinstate the Private Hire Driver's Licence immediately.

## **8 RISK IMPLICATIONS**

8.1 The Hackney Carriage and Private Hire Licensing Policy was adopted to maintain the safety of public transport vehicles, drivers and paying customers. Failure to abide by the requirements of the Policy may put the safety of drivers and passengers at risk

## **9 CRIME AND DISORDER IMPLICATIONS**

9.1 None.

## **10 ENVIRONMENTAL IMPLICATIONS**

10.1 None.

## **11 FINANCIAL IMPLICATIONS**

11.1 There are no financial implications outlined in this report; however, as in all cases that could lead to a Magistrates Court appeal which could be upheld, financial costs could then be incurred by the Council.

## **12 LEGAL IMPLICATIONS**

12.1 Decisions in relation to the grant of a licence give rise to the obligations under the Human Rights Act 1998. The Council will therefore ensure that there is a review hearing before the Licensing Sub Committee. It should be noted that Driver G has the right to appeal the decision made by the Council to the Magistrates Court if he is aggrieved by the decision of the Panel.

## **13 HUMAN RESOURCES IMPLICATIONS**

13.1 None.

## **14 EQUALITY AND DIVERSITY IMPLICATIONS**

14.1 An Equality Impact Assessment has not been completed as no decision is being made which would cause an impact.

J.M. Parker - East

Janette Parker-East

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**Background Papers:-**

CPBC Hackney Carriage and Private Hire Licensing Policy  
Local Government (Miscellaneous Provisions) Act 1976

**Appendices:-**

**Appendix A** – Notification email dated 29 May 2024

**Appendix B** – DVLA Licence Summary date 4 June 2024

**Appendix C** – Private Hire Driver's Licence Application form dated 18 June 2023

**Appendix D** - Revocation letter dated 4 June 2024

**Appendix E** – Appeal letter dated 11 June 2024

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