

# Cheltenham Borough Council

## Licensing Committee – 5 September 2014

### Review of a Hackney Carriage Driver's Licence

#### Mr Lance Stuart Hepworth - HCD263

#### Report of the Licensing & Business Support Team Leader

#### 1. Executive Summary and Recommendation

- 1.1 Mr Lance Stuart Hepworth holds Hackney Carriage driver's licence HCD263 which is due for renewal on 19 January 2015.
- 1.2 On the 15<sup>th</sup> of September 2013 Katie Clutterbuck was knocked over on the Bath Road by a Cheltenham licensed Hackney Carriage and subsequently passed away as a result of the accident. Mr Hepworth was charged on 22 November 2013 with causing her death by careless/inconsiderate driving.
- 1.3 On the 11<sup>th</sup> of August 2014, Mr Hepworth pleaded guilty to causing death by careless/inconsiderate driving and is currently awaiting sentencing.
- 1.4 In light of the above, Mr Hepworth's Hackney Carriage driver's licence was suspended, with immediate effect, on the 14<sup>th</sup> of August 2014 under delegated authority.
- 1.5 Part 3(C) of the Council's constitution delegates authority to the Licensing Committee to revoke a driver's licence if a relevant representation is made to the Council. As a result, the decision to suspend Mr Hepworth's licence is being referred to the Committee to decide whether it should be revoked or no further action taken.
- 1.6 **The Committee is recommended to resolve that;**
  - 1.7.1 **Mr Hepworth's Hackney Carriage driver's licence be continued with no further action because the Committee is satisfied that he is a fit and proper person to hold such a licence; or**
  - 1.7.2 **Mr Hepworth's Hackney Carriage driver's licence be revoked as the Committee considers him to no longer be a fit and proper person to hold such a licence in accordance with section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.**
  - 1.7.3 **Subject to the resolutions above, the Committee must also determine whether Mr Hepworth's Hackney Carriage driver's licence should be revoked with immediate effect in the interests of public safety in accordance with section 2B of the Local Government (Miscellaneous Provisions) Act 1976.**

#### 1.8 Implications

- 1.8.1 Financial

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1.8.2 Legal

There is a right of appeal against a decision to revoke a licence which, in the first instance, is to the Magistrates' Court.

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## 2. Background

2.1 The Borough Council must be satisfied that the holder of a Hackney Carriage licence is a fit and proper person to hold that licence (Section 59 Local Government (Miscellaneous Provisions) Act 1976).

2.2 Under the Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 (SI2002/441) hackney carriage and private hire drivers are exempted from the provisions of the Rehabilitation of Offenders Act 1974 and convictions are never spent.

The question for the committee is therefore whether, given the nature of the conviction, the applicant is a fit and proper person to hold a licence.

## 3. Licensing Comments

3.1 Members are to refer to the enclosed papers, details of the charge and the explanation given by Mr Hepworth.

3.2 The Committee must seek to promote its own adopted policy bearing in mind particularly that the Council's overriding consideration is the safety of the public.

3.3 Mr Lance Stuart Hepworth has been sent a copy of this report and invited to attend this meeting to speak in support of his application and to answer members' questions or to be represented. In considering the application on its own merits Members should have regard to the adopted Probity Guide.

3.4 The Committee must be satisfied that Mr Lance Stuart Hepworth is a fit and proper person.

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### Background Papers

Service Records

### Report Author

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