

Cheltenham Borough Council

Licensing Sub-Committee – 4 October 2017

Review of a Private Hire Driver's Licence

Mr Daniel Peter Gore - PHD058

Report of the Licensing Officer

1. Executive Summary and Recommendation

1.1 Mr Daniel Peter Gore holds Private Hire driver's licence PHD058 which is due for renewal on 29 January 2019.

1.2 On Tuesday 19 September a complaint was made to the council with regards to Mr Gore's behaviour during an incident in town. Details of the incident are outlined in the accompanying background papers.

1.3 In light of the incident, an application has been made for a review of Mr Gore's private hire driver's licence to ensure that he remains a fit and proper person to hold a licence.

1.4 The Sub-Committee can:

1.4.1 **Take no action in relation to Mr Gore's driver's licence as the sub-committee is satisfied that he is a fit and proper person;**

1.4.2 **Issue Mr Gore with a written warning with regards to his conduct;**

1.4.3 **Revoke Mr Gore's driver's licence if he is no longer a fit and proper person to hold such a licence;**

1.4.4 **Subject to 1.4.3 above, revoke Mr Gore's driver's licence with immediate effect in the interest of public safety.**

1.5 Implications

1.5.1 Legal The Borough Council has the ability to suspend or revoke a private hire driver's licence with immediate effect if necessary in the interests of safety. There is a right of appeal against a suspension or revocation of 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 Private Hire Drivers licence is a fit and proper person to hold that licence (Section 59 Local Government (Miscellaneous Provisions) Act 1976).

3. Policy Considerations

- 3.1 Decision making in relation to licensing is an onerous duty, dealing with both the livelihood of the Licensee/Applicant and the risks to the safety and comfort of the public.
- 3.2 Each case will be decided on its own merits. The Council will always consider the full facts of the case and any mitigating or other circumstances before reaching a decision.
- 3.3 The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment.
- 3.4 Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.

4. Licensing Comments

- 4.1 The council has a statutory duty to only license persons that are considered fit and proper to hold such a licence.
- 4.2 In light of the complaint made to the council, officers have made an application for the review of Mr Gore's driver's licence as it calls into question his fitness as a licence holder.
- 4.3 Mr Gore was interviewed by Licensing Enforcement Officer Sarah Hughes and Senior Licensing Officer Andy Fox. Notes of the interview are attached as part of the background papers.
- 4.4 Members are to note that Mr Gore's driver's licence has been suspended pending the review of his licence.
- 4.5 Mr Gore 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.

Background Papers

Service Records

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