

Cheltenham Borough Council

Licensing Committee – 5 December 2018

Application for a Private Hire Driver's Licence

Mr Laurentiu-Gabriel Raducu

Report of the Licensing Officer

1. Executive Summary

- 1.1 Mr Laurentiu-Gabriel Raducu has applied for a Private Hire driver's licence.
- 1.2 Mr Raducu has penalty points on his DVLA driver's licence which he declared on his application form. Details of the offence are contained in the enclosed background papers.
- 1.3 In light of the offence and the information provided, the matter has been referred to the licensing committee for members to determine whether Mr Raducu is a fit and proper person to hold a private hire driver's licence.

1.4 The committee can:

- 1.4.1 Grant Mr Raducu a Private Hire driver's licence because the committee considers him to be a fit and proper person to hold such a licence; or**
- 1.4.2 Refuse a Private Hire driver's licence because the committee does not consider him to be a fit and proper person to hold such a licence.**

1.5 Implications

- 1.5.1 Legal There is a right of appeal against a refusal 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 Driver's licence is a fit and proper person to hold that licence.

3. Policy Considerations

- 3.1 **Fit & Proper Test**
When an application is made for a Hackney Carriage or Private Hire driver's licence the Council must be satisfied that the applicant is a fit and proper person and shall not license drivers unless

they are satisfied of this. The onus is on the applicant to prove they are a fit and proper person, rather than for the Council to prove that they are not.

- 3.2 If there is sufficient evidence that a person is not fit and proper or if there are grounds to question or doubt the evidence provided, that could amount to good reason to refuse a licence.
- 3.3 A driver's licence will not be granted unless the applicant has held a full UK driving licence (or recognised equivalent), for a minimum of 12 months prior to the application being made. The driving licence must be for the category of vehicle they will be licensed to drive, must have been free of convictions and endorsements for at least one year and be valid for the entire duration of the period for which they will be licensed as a private hire or hackney carriage driver.
- 3.4 **Hybrid Traffic Offences**
Hybrid offences will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or fewer penalty points for the offence.

HYBRID TRAFFIC OFFENCES

CU10 Using a vehicle with defective brakes

CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition

CU30 Using a vehicle with defective tyre(s)

CU40 Using a vehicle with defective steering

CU50 Causing or likely to cause danger by reason of load or passengers

CU80 Breach of requirements as to control of the vehicle, mobile telephone etc

SP10 Exceeding goods vehicle speed limit

SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)

SP30 Exceeding statutory speed limit on a public road

SP40 Exceeding passenger vehicle speed limit

SP50 Exceeding speed limit on a motorway

Aiding, abetting, counselling or procuring offences as coded above, but with 0 changed to 2 (e.g.

CU10 becomes CU12)

Causing or permitting offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes

CU14)

Inciting offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

- 3.5 **Minor Traffic Offences**
Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least 6 months.

4. Licensing Comments

- 4.1 The council is under a statutory obligation to ensure that persons licensed as Private Hire drivers are fit and proper people. Public safety is the council's primary concern and therefore applicants are expected to demonstrate a high standard of driving.
- 4.2 Mr Raducu has held a UK DVLA driving licence for more than 12 months so in that respect the application complies with the council's policy requirements, however the policy further states that the licence must have been free of convictions and endorsements for at least one year when the application is made.

- 4.3 Members are advised that the offence committed is classed as a minor traffic offence.
- 4.4 Members are advised that Mr Raducu has completed all of the tests, assessments and requirements to obtain a Private Hire driver's licence including a driving assessment. He has no recorded convictions or cautions beyond the endorsement on his DVLA driving licence.
- 4.5 Mr Raducu 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

Report Author

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