

Cheltenham Borough Council

Licensing Committee – 24 June 2020

Renewal of Private Hire Driver's Licence

Mr Francisco JR Calizon - PHD049

Report of the Licensing Team Leader

1. Executive Summary and Recommendation

1.1 An application has been received from Mr Francisco JR Calizon for a renewal of a Private Hire driver's licence.

1.2 Mr Calizon has a number of convictions. The details of these are contained in the enclosed background papers.

1.3 In light of this, the Licensing Team Leader has taken the view that Members of Committee should be aware of the convictions because of:

1.3.1 The nature of the offences; and,

1.3.2 The need to ensure that Mr Calizon is judged to be a fit and proper person to hold a Private Hire Driver's Licence.

1.4 The Committee can:

1.4.1 grant Mr Calizon's renewal application with no further action taken, if you are satisfied he remains a fit and proper person; or

1.4.2 grant Mr Calizon's renewal application but issue him with a formal written warning; or

1.4.3 refuse to grant his renewal application, if you are not satisfied that he is a fit and proper person.

1.5 Implications

1.5.1 Legal There is a right of appeal against a refusal to renew a licence which, in the first instance, is to the Magistrates' Court.

One Legal

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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 Committee must be satisfied that Mr Calizon remains a fit and proper person when considering his application for a Private Hire Driver’s licence.
- 4.2 Details of Mr Calizon’s convictions along with the relevant policy provisions are contained in the enclosed background papers.
- 4.3 Members are to note that Mr Calizon’s did not report the offences to the licensing section at the time of the offences, and did not declare these on his renewal application form.
- 4.4 Mr Calizon 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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