

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

**ENVIRONMENTAL HEALTH**

10<sup>th</sup> October, 2001

To: The Licensing Board

1. Hackney Carriage/Private Hire Drivers' Licences

(a) The following applications are for the grant of a hackney carriage/private hire driver's licence and the applicants have no spent convictions:-

(i) Mohammed Shahid (D.o.B. 27.11.79)

14.11.98	SP30 (Speeding)	Fixed Penalty 3 Points
15.11.98	SP30 (Speeding)	Fixed Penalty 3 Points
6.6.99	CU30 (Using a vehicle with defective tyres)	Fixed Penalty 3 Points

Mr. Shahid was originally granted a three year hackney carriage/private hire driver's licence in July 1998, expiring 30<sup>th</sup> June, 2001. Mr. Shahid did not comply with his driver's conditions during this time as he failed to inform the Licensing Office of the convictions. Mr. Shahid allowed his badge to expire, but submitted a fresh application for a grant of a licence on 13<sup>th</sup> August, 2001.

Mr. Shahid has been invited to attend today's meeting and has been advised that he may bring a legal representative with him as Members could decide to refuse his application.

(ii) Mohammed Younis (D.o.B. 31.12.51)

14.4.99	CD10 (Driving without due care and attention)	Fine £100 4 Points
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Mr. Younis has been successful in the written test and has been invited to attend today's meeting. Mr. Younis has been advised that he may bring a legal representative with him as Members could decide to refuse his application.

- (b) The following applications are for the renewal of a hackney carriage/private hire driver's licence:-

- (i) Mohammed Khlack Sabir (D.o.B. 20.11.79)

An application for the renewal of a hackney carriage/private hire driver's licence has been received from Mr. Sabir.

Mr. Sabir's previous licence was for the period of three years, expiring 30<sup>th</sup> September, 2001. Mr. Sabir has received the following convictions during the period of his licence:-

4.8.99	SP30 (Speeding)	Fixed Penalty 3 Points
8.12.00	SP60 (Speeding)	Fine £100 5 Points

Mr. Sabir complied with his driver's conditions and informed the Licensing Office of his convictions. Mr. Sabir has been invited to attend today's meeting and has been advised that he may bring a legal representative with him as Members could decide to refuse to renew his licences.

- (c) The following hackney carriage/private hire drivers have received further convictions which have been brought to the attention of Licensing Officers:-

- (i) Abdul Rehman (D.o.B. 3.10.52)

Mr. Rehman's hackney carriage/private hire driver's licence was granted for a period of three years, expiring 30<sup>th</sup> November, 2001.

Mr. Rehman received the following convictions during the period of his licence. Mr. Rehman did not comply with his licence conditions as he failed to notify Officers of the convictions within seven days. However, Mr. Rehman did notify the Licensing Office on 26<sup>th</sup> September, 2001:-

7.3.99	SP30 (Speeding)	Fixed Penalty 3 Points
4.5.99	SP50 (Speeding)	Fine £335 5 Points
10.6.99	TS10 (Failing to comply	Fine £50

Abdul Rehman (Contd.)

with traffic light signals) 3 Points  
Sentenced 15.11.99

As Mr. Rehman's licences expire at the end of November, it is felt that the matter could be deferred and dealt with as a renewal, once the appropriate forms have been submitted, therefore, Mr. Rehman has not been invited to attend today's meeting.

(ii) Ghazanfar Ali

Mr. Ali's application for the renewal of his hackney carriage/private hire driver's licence was granted on 1<sup>st</sup> November, 2000, for a three year period, expiring 31<sup>st</sup> October, 2003.

At this time Mr. Ali had the following convictions on his licence:-

18.4.97	SP30 (Speeding)	Fixed Penalty 3 Points
27.10.97	CD10 (Driving without due care) Sentenced 24.11.97	Fine £50 6 Points
31.3.00	TS10 (Failing to comply with traffic light signals)	Fine £40 3 Points

During the period of his current licence, Mr. Ali has received the following convictions:-

20.6.01	TS30 (Failing to comply with a 'Stop' sign)	Fine £60 3 Points
3.9.01	SP30 (Speeding)	Fine £70 5 Points

Mr. Ali complied with his hackney carriage/private hire driver's conditions and informed the Licensing Office of his convictions. Mr. Ali has been invited to attend today's meeting to explain his conduct and has been advised that he may bring a legal representative with him as Members could decide to revoke his licence.

## 2. Legal Action

### (i) Thomas Raymond Davies (D.o.B. 29.8.51)

I have to report that Mr. Davies was convicted at Rotherham Magistrates' Court on the 13<sup>th</sup> September, 2001, for the following offences:-

Failing to wear driver's badge on 14.6.01	Fine £100
Failing to wear driver's badge on 20.7.01	No separate penalty
	Costs £100

### (ii) Nigel Dooler

I have to report that Mr. Dooler was convicted at Rotherham Magistrates' Court on 13<sup>th</sup> September, 2001, for the following offences:-

Failing to wear driver's badge.	Fine £50
	Costs £149.42

### (iii) Mohammed Yasin Sabir (D.o.B. 17.6.69)

I have to report that Mr. Sabir was convicted at Rotherham Magistrates' Court on 4<sup>th</sup> June, 2001, for the following offences:-

Common Assault	Community Service Order 120 hours Compensation £125
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Mr. Sabir has not complied with his private hire driver's conditions as he has failed to inform the Licensing Office of his conviction. Mr. Sabir has been invited to attend today's meeting to explain his conduct.

### (iv) Mohammed Ashraf

Members may recall that Mr. Ashraf was invited to attend meetings of the Licensing Board held on 18<sup>th</sup> October and 15<sup>th</sup> November, 2000, following his conviction for plying for hire and no insurance. Mr. Ashraf failed to attend both meetings and Members decided to revoke his licences.

Mr. Ashraf appealed against the decision to revoke his licence to the Magistrates' Court but the appeal was dismissed.

Mr. Ashraf submitted a fresh application and the matter was heard by Members at the Licensing Board meeting held on 11<sup>th</sup> July, 2001, where Members agreed to refuse his application.

Mr. Ashraf appealed against the decision and on 28<sup>th</sup> September, 2001, the Magistrates decided to dismiss the appeal. The Magistrates said that licensed drivers had a high responsibility and the public had to be protected. The Magistrates concluded that “at this time Mr. Ashraf is not a fit and proper person to hold a licence”.

### 3. Hackney Carriage / Private Hire Driver Test Assessment

#### 1.0 Background

1.1 At the meeting of the Licensing Board held on 10<sup>th</sup> January 2001, Members considered a report of the Head of Environmental Health on the possible introduction of a practical driving test for hackney carriage / private hire drivers in Rotherham. A copy of the report is reproduced at Appendix 'A'.

1.2 At the following meeting of the Licensing Board held on 7<sup>th</sup> February 2001, Members received a presentation from the Assistant Chief Driving Instructor of the Driving Standards Agency (DSA) on the subject of the agency's driving test assessment for hackney carriage / private hire drivers. At that meeting Members resolved that:-

- “(a) the Heads of Environmental Health and Legal Services, Personnel and Industrial Relations submit a joint report to the Licensing Board about the implications of the introduction of the special driving tests for the existing licence application and renewal procedures and the conditions of drivers' licences; and
- (b) the views of the Rotherham Licensed Taxi Association and the Rotherham Private Hire Association be obtained about the special driving tests.
- (c) that, at a future meeting, Members of the Licensing Board debate the possibility and implications of introducing the special driving tests for applicants for the grant and renewal of private hire and hackney carriage drivers' licences”.

#### 2.0 Consultation

2.1 The Rotherham Private Hire Association (RPHA) and the Rotherham Licensed Taxi Association (RLTA) were contacted (appendix 'B') and asked for their views. No reply was received from the RPHA, but representatives did express their rejection of the idea at a recent meeting with Council Members and officers. The RLTA expressed their objections in writing (appendix 'C'). Similar consultation letters were sent to seven private hire

operators, of varying business size, chosen for their non-membership of the RPHA. However, no replies were received.

2.2 Further consultation was also carried out with members of the public, by means of face to face interviews and written questionnaires (appendix 'D'). Of those who responded to the questions:-

- \* 99% travelled in Rotherham hackney carriages or private hire vehicles from time to time,
- \* 95% thought that all new drivers should pass a special driving test,
- \* 83% thought that existing drivers should pass the same test, spread over a reasonable time period, and
- \* 100% believed that drivers whose competency had been brought into question, for example after a serious accident or a driving ban ordered by a Court, should take a special test.

### 3.0 Observations

3.1 Hackney carriage / private hire drivers are likely to benefit from increased credibility with customers due to the official certification of the DSA.

3.2 The Council could demonstrate its commitment to ensure the safety and welfare of passengers and to provide a quality, audited service to the community.

3.3 The overwhelming majority of the public questioned in Rotherham believe that a driving test should be introduced for new drivers. Less people thought that existing drivers should be tested, but there was total support for the testing of drivers with questionable skills.

3.4 Some of the private hire section of the trade have expressed criticism of the scheme. The hackney carriage trade were not supportive.

### 4.0 The Legal Position

4.1 The Council is only empowered to grant a driver's licence (hackney carriage or private hire) if the Council is satisfied that the applicant is a fit and proper person to hold such a licence. The legislation allows the Council to seek information from the applicant to enable the Council to determine whether the licence should be granted or whether conditions should be attached to any licence granted. In common with most licensing authorities, this Council requires an applicant for a driver's licence to submit information as to the applicant's medical fitness and to sit a local 'knowledge' test. An applicant might argue that the legislation does not permit the

Council to require the applicant to successfully complete the DSA 'taxi' test, since this would amount to an additional qualification, not required by the legislation. The Council's argument for the introduction of the test would be that the successful completion of the DSA test would provide the Council with information as to the applicant's ability (and, therefore, fitness) to drive private hire or hackney carriage vehicles safely. In this sense, the DSA test for new drivers, if adopted, would assume a similar status to the medical examination and local knowledge test, both of which are used to provide the Council with the fullest information possible as to the applicant's fitness.

- 4.2 The introduction of the test for existing licence holders is considered to be potentially more problematic. The Council is more likely to be challenged by an existing driver, who would lose his/her livelihood if the licence was not renewed. The Council would have to argue that it had reasonable cause not to renew the licence on the basis that, on application for renewal of the licence, the driver had failed or refused to take the DSA test. Whether such an argument would succeed if the aggrieved applicant appealed to the Magistrates' Court is a matter of speculation. The issue of when to test existing drivers would also need careful examination, and it is suggested that a reasonable notice period would be appropriate. For example, existing drivers could be put on notice that driver's licences due for renewal on or after 2<sup>nd</sup> January, 2003, would require a DSA pass certificate to be produced upon renewal. The Council could insist on tests for those drivers whose driving had caused concern, for example after a serious accident, driving ban imposed by the Courts or a persistently poor driving record during the period of a licence. However, it is not clear how such requirements could be enforced short of suspending or revoking the licence and insisting on a test at that point.

## 5.0 Time Scale

- 5.1 The DSA have indicated that the time scale for setting up the scheme in local test centres would be between 10 and 12 weeks. If Members approved of the introduction of the scheme at the present meeting, this would mean that testing by the DSA could start in the first week of January 2002. To allow a reasonable period for new driver applications, the scheme could be fully operational for new driver applications from 4<sup>th</sup> February 2002.

## 6.0 Recommendations

- 6.1 That Members approve the introduction of the DSA driving test scheme, to apply to all new driver's licences granted on or after 4<sup>th</sup> February 2002.

- 6.2 That Members approve the introduction of the above scheme, to apply to all driver's licences which are renewed on or after 2<sup>nd</sup> January 2003.
- 6.3 That Members approve the introduction of the above scheme, to apply to all licensed drivers, whose driving competency has been brought into question in the opinion of the Licensing Board, following a serious accident, or driving ban ordered by the Court or evidence of a persistently poor driving record.
4. House to House Collections

Members are requested to consider the following application for a House to House Collection:-

(i) Mexborough & District Lions Club

3<sup>rd</sup> – 21<sup>st</sup> December, 2001  
Swinton, Wath, Kilnhurst

Mexborough & District Lions Club has been running in the Rotherham area for a number of years, raising money for local charities.

Recommended:- That the application be approved.