

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING SUB-COMMITTEE

Thursday, 28 February 2019

5.30 pm

Committee Room 3, City Hall

Membership: Councillors Pat Vaughan (Chair), Loraine Woolley (Vice-Chair), Kathleen Brothwell, Adrianna McNulty and Andy Kerry

Substitute member(s): Councillors Biff Bean

Officers attending: Will Allen, Democratic Services and Legal Services

A G E N D A

SECTION A	Page(s)
1. Confirmation of Minutes - 31 January 2019	3 - 6
2. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
3. Exclusion of Press and Public	7 - 8
You are asked to resolve that the press and public be excluded from the meeting during the consideration of the following item(s) because it is likely that if members of the press or public were present, there would be disclosure of 'exempt information'	
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SECTION B	
4. To Interview an Applicant for a Private Hire Driver's Licence who has Previously been Refused a Private Hire Licence and is unable to Provide a Certificate of Good Conduct [04/2019]	9 - 18
	[Exempt Para(s) 1]

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Present: Councillor Pat Vaughan (*in the Chair*),
Councillor Loraine Woolley, Councillor Kathleen Brothwell
and Councillor Andy Kerry

Apologies for Absence: Councillor Adrianna McNulty

15. Confirmation of Minutes - 3 January 2019

RESOLVED that the minutes of the meeting held on 3 January 2019 be noted.

16. Declarations of Interest

No declarations of interest were received.

17. Exclusion of Press and Public

RESOLVED that the press and public be excluded from the meeting during consideration of the following item(s) of business because it is likely that if members of the public were present there would be a disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

18. To Interview an Existing Driver who has 9 Current Penalty Points

The Licensing Officer:

- a) Stated that the licensee had held a private hire drivers licence since December 2015.
- b) Explained that the licensee came into City Hall for a re-licence appointment on Monday 22 November 2018.
- c) Explained that the licensee was asked during his re-licence appointment whether he had received any convictions or criminal findings of guilt such as fixed penalty notices. The licensee then disclosed that he had received 6 points for failing to give information as to the identity of a driver, an offence which occurred on 13 November 2017, and 3 points for a speeding offence, an offence which occurred on 1 May 2018.
- a) Stated that the licensee did not disclose his offences to the licensing team until his renewal application came around. This meant that the driver was in contravention of Condition 10 of his licence conditions, which requires the licensee to inform the Licensing Authority in writing of any criminal findings of guilt immediately after the date of conviction, including fixed penalty tickets.

The Sub-Committee questioned the licence holder about his offences and his failure to inform the Licensing Authority.

For the offence of failure to give information as to the identity of the driver, the licensee explained that his partner had just had a baby and he had changed

address, hence the letter went to his old address. He eventually went to court for the offence in August 2018 and was fined and issued with 6 penalty points.

The licence holder responded that for the offence of exceeding the statutory speed limit on a public road, he had made a genuine mistake on a stretch of road with average speed camera restrictions. He had not realised that the road suddenly went from 50 mph to 40 mph and he had exceeded the average speed limit.

Decision

That the Private Hire Vehicle Driver's Licence be granted with the condition that the licensee be sent a warning letter to remind him of his responsibilities and of the conditions of his licence.

Reasons for the Decision

1. The Sub-Committee believed that the licence holder was genuinely remorseful for his behaviour.
2. The licensee had been distracted at the time of the first offence by a lot going on in his personal life with the delivery of a new baby.
3. The licensee had been punished by being unable to carry-on his trade since 10 December 2018 as his licence could not be renewed until the Sub-Committee had heard the case.
4. The Sub-Committee believed that the licensee was truly remorseful and that it was extremely unlikely that he would re-offend as this job was vital to him being able to support his family.

19. To Interview an Applicant for a Private Hire Driver's Licence who has Failed to Disclose a Previous Offence

The Licensing Officer:

- a) Explained that the licensee came into City Hall to apply for a new Private Hire Vehicle Driver's Licence on Monday 7 November 2018.
- b) Explained that the licensee was asked during his application appointment whether he had received any convictions or criminal findings of guilt such as fixed penalty notices. The applicant said he had no convictions and failed to disclose a simple caution which had been issued to him for using threatening, abusive, insulting words or behaviour with intent to cause fear or provocation of violence, an offence which occurred on 23 June 2017. This conviction was discovered upon sight of the DBS.

The Sub-Committee questioned the applicant about his offence. The applicant responded that he was not aware that he had been issued with a simple caution whilst he was held at the police station. The applicant explained that he had been defending his work colleagues who were being threatened during a social evening, which resulted in a fracas to which the police had been called. The applicant said he had confronted the police regarding the arrest of a work colleague, which he felt was unjust. This subsequently led to the applicant also being arrested and issued with a simple caution, although he was unaware that

this had happened until the DBS check was returned as part of his licence application.

Decision

That the Private Hire Vehicle Driver's Licence be granted.

Reasons for the Decision

1. The applicant gave a plausible and reasonable explanation for the events that led to him being issued with a simple caution and for his lack of awareness that a simple caution had been issued until his DBS check was returned.
2. A simple caution was on the very lowest end of the scale of possible disposals for such an offence, which was an indication that whatever had happened was very minor.
3. The applicant produced evidence to the Sub-Committee of his exemplary behaviour and good conduct during the course of his employment as a manager in the hospitality industry for a number of years previously. This persuaded the Sub-Committee that the applicant was familiar with difficult customer interactions, which they considered would be of benefit in his employment as a licensed Private Hire Vehicle Driver.
4. The Sub-Committee believed that the applicant was truly remorseful and that it was extremely unlikely that he would re-offend.

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SUBJECT:	EXCLUSION OF THE PRESS & PUBLIC
DIRECTORATE:	CHIEF EXECUTIVE & TOWN CLERK
REPORT AUTHOR:	CAROLYN WHEATER, MONITORING OFFICER

1. Purpose of Report

1.1 To advise members that any agenda items following this report are considered to contain exempt or confidential information for the reasons specified on the front page of the agenda for this meeting.

2. Recommendation

2.1 It is recommended that the press and public be excluded from the meeting at this point as it is likely that if members of the press or public were present there would be disclosure to them of exempt or confidential information.

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