

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING SUB-COMMITTEE

**Wednesday, 29 November
2017**

5.30 pm

Committee Room 4, City Hall

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

Substitute member(s): Councillors Paul Gowen

Officers attending: Will Allen, Legal Services and Democratic Services

A G E N D A

SECTION A	Page(s)
1. Confirmation of Minutes - 2 November 2017	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 Existing Driver Following a Complaint [11/2017] [Exempt Para(s) 1]	9 - 32
5. To Interview an Applicant for a Private Hire Driver's Licence who is unable to Provide a Certificate of Good Conduct [12/2017] [Exempt Para(s) 1]	33 - 38

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Present: Councillor Loraine Woolley (*Vice-Chair, in the Chair*),
Councillor Kathleen Brothwell, Councillor Andy Kerry and
Councillor Paul Gowen

Apologies for Absence: Councillor Pat Vaughan and Councillor Adrianna McNulty

25. Confirmation of Minutes for the meeting held 3 August 2017

The minutes of the meeting held on 3 August 2017 were confirmed.

26. Declarations of Interest

No declarations of interest were received.

27. 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.

28. To Interview an Applicant for a Private Hire Driver's Licence Who is Unable to Provide a Certificate of Good Conduct [09/2017]

The Licensing Officer:

- a. presented the report and explained that the applicant had been unable to provide a certificate of good conduct from his country of origin, Syria
- b. reported that the applicant came to the UK in 2006 and was granted British citizenship in 2012
- c. stated that the applicant had held a full UK driving licence since February 2012
- d. advised that the applicant had passed the knowledge test on his third attempt and had achieved a low risk result on the DSA Taxi Driving Assessment

The Sub-Committee questioned the applicant about his reasons for applying for a Private Hire driver's Licence and was satisfied with the responses given. The applicant confirmed that he had been offered a position with a taxi firm should he be fortunate to be granted a licence.

The decision was made as follows:

That the Private Hire Driver's Licence be granted

The reasons for the decision:

1. The Sub-Committee felt that the applicant presented himself well and that he came across as open and honest with a genuine work ethic.
2. The Sub-Committee did not have any concerns over the suitability of the applicant and was sympathetic to the difficulties faced by him in obtaining a certificate of good conduct from his place of origin, Syria.
3. The applicant had not been convicted of any offences since arriving in the UK and becoming a British Citizen therefore there was no reason to doubt that he was a fit and proper person to hold a licence.

29. To Interview an Existing Driver Following a Complaint [10/2017]

The Licensing Officer:

- a. presented the report which detailed the contents of the complaint made against the Private Hire Driver Licence holder
- b. explained the concerns that the complainant had in believing the licence holder was being aggressive and threatening when he tried to speak to him through the window of the car. The complainant was concerned that the licence holder had tried the door of his car as if in an effort to open the door
- c. stated that two dash cam videos were available for the Sub-Committee to view and the Private Hire Licence holder had already seen the footage from the second video

The Sub-Committee viewed the dash cam videos and replayed them numerous times for clarification. It was noted that the licence holder did not indicate before starting to manoeuvre.

Members of the Sub-Committee asked the licence holder to explain his actions as recorded in the videos. The licence holder responded that he realised that he had made a mistake by getting out of the car and approaching the complainant's vehicle. He realised that he should not have tried the door handle but all he wanted to do was to make himself heard and talk to the driver to tell him that he believed he was going too fast and should have slowed down.

The Sub-Committee asked the licence holder what would happen if he had drunken people in the vehicle and after he had driven them to their destination, refused to pay the fare. The licence holder responded by informing the Sub-Committee of a similar incident that had happened to him where after refusing to pay one of the passengers had tried to hit him. On this occasion the licence holder had informed his office of what had happened and he had driven away.

The licence holder concluded that he was very sorry for the incident that had led to the complaint and that nothing like this would ever happen again. He would willingly apologise to the complainant in writing as he needed his licence to be able to provide for his wife and children.

The decision was made as follows:

That the licence holder be allowed to keep his licence on the following conditions:

- that he sent a written apology to the complainant
- a strongly worded letter would be issued to the licence holder which would emphasise the importance of his good conduct while acting in his role as a Private Hire Driver. The letter would also remind the licence holder of the very high standards of safe driving expected of him as a Private Hire Driver, including an expectation that he would not commit any traffic violations as these would result in him being brought back before the Sub-Committee.

The reasons for the decision:

1. The Sub-Committee believed that the licence holder was genuinely apologetic for his behaviour and that the situation that had happened was out of character.
2. The licence holder presented himself well and understood how his actions could have been misconstrued by the complainant.
3. The licence holder convinced the Sub-Committee that this or anything similar would never happen again as this job was vital to him being able to provide for his family.
4. Members agreed that the licence holder had learnt a lesson by being put under scrutiny by the Sub-Committee and felt that there would not be any further violations.
5. The Sub-Committee took all factors into consideration and believed that the licence holder was a fit and proper person to hold a Private Hire Driver's Licence.

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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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