

## HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING SUB-COMMITTEE

**Thursday, 22 March 2018**

**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 members: Councillors Paul Gowen

Officers attending: Will Allen, John Cunliffe, Legal Services and Democratic Services

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### AGENDA

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<b>SECTION A</b>	<b>Pages</b>
1. Confirmation of Minutes - 1 February 2018	<b>3 - 4</b>
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	<b>5 - 6</b>
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'	
<b>SECTION B</b>	
4. To Interview an Existing Driver who has Received 12 Current Penalty Points [04/2018]	<b>7 - 14</b>
	<b>[Exempt Paras 1]</b>

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

**Apologies for Absence:** Councillor Andy Kerry

**40. Confirmation of Minutes 4 January 2018**

The minutes of the meeting held on 4 January 2018 were confirmed.

**41. Declarations of Interest**

No declarations of interest were received.

**42. 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.

**43. To Interview an Existing Driver who has Received a Simple Caution [02/2018]**

The Licensing Officer:

- a. presented the report which detailed that the license holder had attended an appointment with the Licensing Team where he informed the Officer that he had received a simple caution for the offence of assault by beating in February 2017
- b. explained that the offence had happened after the previous year's re-licence but the license holder had failed to inform the Licensing Team until the recent appointment
- c. stated that the licence holder had held his Private Hire Driver's Licence since 2016 and there had been no other issues reported to the Licensing Team.

The decision was made as follows:

That the licence should be continued and the licence holder be issued with a strongly worded letter emphasising the importance of informing the Licensing Team immediately of any convictions or changes that might affect the licence. A special condition was that an annual DBS check be carried out for the next 3 years at the licence holder's expense, upon each renewal of the licence.

Reasons for the decision:

The licence holder had persuaded the Sub-Committee to depart from the Council's Statement of Policy on Relevant Convictions for the following reasons:

1. The licence holder explained the circumstances that led to him receiving the simple caution.
2. The licence holder was genuinely remorseful and apologetic for his actions. He realised that what he believed was acceptable in his home country of Lithuania was not acceptable in the UK. Since the caution he had worked closely with Children's Services for six months whom he confirmed were not taking any action in respect of his children and had now withdrawn from the family.
3. The Sub-Committee was in agreement that the licence holder had provided plausible explanations of the incident leading to the conviction.
4. The penalty of a simple caution offered by the Police allowed the offence to be dealt with without reference to the court and took into account the Licence Holder's early admission of the guilt and his previous good character. The Sub-Committee was of the view that the licence holder was not a threat to members of the public.
5. An email of support was received from the taxi company's general manager which reflected that the licence holder had not received any complaints and had always conducted himself politely and professionally, he was described as a good example for others to follow.
6. The Sub-Committee concluded that a strongly worded letter and the annual DBS check with the yearly renewal of his licence would be suitably proportionate actions to take and they concluded that the licence holder was a fit and proper person to continue to hold a Private Hire Driver's Licence.

**44. To Interview an Existing Driver Following Complaints that Question his Continued Suitability to Hold a Private Hire Driver's Licence (03/2018)**

The Licensing Officer advised the Sub-Committee that the Private Hire Driver concerned had been into City Hall earlier that day and had surrendered his Private Hire Driver's licence and handed in his Private Hire vehicle plate.

The Sub-Committee agreed that this item be deferred and that a letter should be sent to the driver advising that:

- a. by surrendering the driver's licence the Council took the view that the licence was now terminated and as a result the driver was no longer able to drive as a Private Hire Driver with the City of Lincoln Council
- b. if, at a later date, the driver changed his mind and wanted to hold a licence he would have to re-apply for this and any application would be brought before the Sub-Committee
- c. the driver would need to return his Private Hire Driver's badge to the Licensing Team at the earliest opportunity.

RESOLVED that the Sub-Committee agreed that this item was deferred.

<b>SUBJECT:</b>	<b>EXCLUSION OF THE PRESS &amp; PUBLIC</b>
<b>DIRECTORATE:</b>	<b>CHIEF EXECUTIVE &amp; TOWN CLERK</b>
<b>REPORT AUTHOR:</b>	<b>CAROLYN WHEATER, MONITORING OFFICER</b>

**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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