

## HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING SUB-COMMITTEE

Thursday, 6 September 2018

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, Legal Services, Democratic Services and Ian Cullen

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### A G E N D A

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#### SECTION A

Page(s)

1. Confirmation of Minutes - 22 March 2018

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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

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 who has 9 Current Penalty Points  
[05/2018]

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[Exempt Para(s) 1]

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- Present:** Councillors Pat Vaughan (*in the Chair*),  
Fay Smith and Loraine Woolley
- Apologies for Absence:** Councillor Kathleen Brothwell, Councillor  
Adrianna McNulty and Councillor Andy Kerry
- Also in Attendance:** None.

**45. Confirmation of Minutes - 1 February 2018**

The minutes of the meeting held on 1 February 2018 were confirmed.

**46. Declarations of Interest**

No declarations of interest were received.

**47. 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.

**48. To Interview an Existing Driver who has Received 12 Current Penalty Points [04/2018]**

The Licensing Officer:

- a. Presented the report which detailed that the license holder had held a private hire drivers licence since September 2008 and was granted a 3 year licence in June 2016.
- b. Confirmed that it came to the licensing team's attention on Tuesday 27 February 2018 that the license holder had received 12 penalty points and they were currently on the licence holder's licence and the team was not aware of this.
- c. Explained that the licence holder had come before the Committee before in respect of penalty points and failing to declare them on two occasions previously.
- d. Explained that the licence holder had previously undertaken a speed awareness course.
- e. Explained that the DVLA had confirmed that those who accumulated 12 penalty points did not necessary have to attend Court as it was at the Police's discretion.

The decision was made as follows:

To revoke the Licence and the Licence Holder be recommended not to re-apply for his Licence within two years of the date of this hearing.

Reasons for the decision:-

- The Sub-Committee noted the Licence Holder's statement that he was a more careful driver now and had learnt his lesson;
- The Sub-Committee noted that the Licence Holder had said that he was waiting for his licence to come back and did not know his licence had 12 penalty points;
- Members felt that the licence holder should have been aware of the procedure to report any penalty having signed the application form and re-licence forms and was then provided with the standard conditions;
- In particular the licence holder signed the standard conditions and provided a copy of this document on 29 June 2016, which was at the time he received the 12 penalty points;
- Members noted that the licence holder had been before the Sub-Committee previously on two occasions;
- The Sub-Committee was concerned that there were three incidences of being caught speeding and another offence within 5 months, that he had attended a speed awareness course and there may have been passengers in the vehicle;
- A serious concern was that out of the four recent sets of points, he admitted that he notified the team in June 2016 about one set of points. However, the others were not reported to the Council despite having admitted that he had received the notification of the penalty points and paid the appropriate fines;
- The Sub-Committee agreed that it would be recommended to the licence holder not to apply for a new licence from the Council until at least 2 years have lapsed, in accordance with the council's policy
- The Sub-Committee felt strongly that the licence holder had a responsibility to his passengers and needed to be fit and proper. Through him acquiring 12 penalty points, after being on a speed awareness course and before the Sub-Committee twice, he had not demonstrated that he was fit and proper.

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