

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING SUB-COMMITTEE

**Thursday, 27 September
2018**

5.30 pm

Committee Room 2, 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

A G E N D A

| SECTION A | Page(s) |
|---|----------------|
| 1. Confirmation of Minutes - 6 September 2018 | 3 - 4 |
| 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 | 5 - 6 |
| 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' | |
| SECTION B | |
| 4. To Interview an Applicant for a Private Hire Driver's Licence Who Has Given Cause for Concern in Relation to Being Fit and Proper [06/2018] [Exempt Para(s) 1] | 7 - 12 |
| 5. To Interview an Existing Driver who has Admitted to an Offence Following a Complaint [07/2018] [Exempt Para(s) 1] | 13 - 22 |
| 6. To Interview an Applicant whose Licence has 9 Penalty Points - Which Includes a Non-Disclosure, Complaints and Alleged Offences [08/2018] [Exempt Para(s) 1] | 23 - 52 |

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

Apologies for Absence: Councillor Andy Kerry

1. Confirmation of Minutes - 22 March 2018

The minutes of the meeting held on 22 March 2018 were confirmed.

2. Declarations of Interest

No declarations of interest were received.

3. 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.

4. To Interview an Existing Driver who has 9 Current Penalty Points [05/2018]

The Licensing Officer:

- a. presented the report which detailed that the license holder has held a private hire drivers licence since September 2012 and it is on a 1 year licence basis.
- b. confirmed that the licence holder disclosed when he applied for a re-licence on 30th July 2018 that he had received 3 points for having a defective tyre
- c. confirmed that it came to the licensing team's attention on receipt of the driving licence check showing that the licence holder had received 9 penalty points and they are currently on the licence holder's licence and the team were not aware of this
- d. made reference to the Council's standard conditions and the Hackney Carriage and Private Hire Licensing Policy as outlined in the report

The decision was made as follows:

To approve the application with a warning letter to be sent from the Licensing Officer regarding this matter.

Reasons for the decision:-

- The Sub-Committee noted the letter from Handsome Cabs dated 6 September 2018
- Licence Holder's statement that he said that a member of the public noticed that the tyre was defective and called the police. He said that a month before, the tyre was passed however the police assessed the tyre as defective and this was therefore a surprise and this was accepted by the members.
- With regard to the statement in the report that the Licence Holder did not disclose the points, he said it was an honest mistake that he forgot about the speeding points and that he was not sure about the question as he was asked about recent points. This was noted by the members.
- The Licence Holder wanted the committee to consider the gravity of the speeding offence, in that the first offence was speeding at 38mph in a 30 mph limit at 2am with very little traffic on the road, there was no customer(s) in the vehicle at that time. The second offence, the Licence Holder said it was bad luck as he was driving his daughter to the airport, at 4am, there was limited traffic on the road and it was 60mph in a 40mph limit. This was noted by the members.
- The members felt that the Licence Holder should have been aware of the procedure to report any penalty points having signed the application form and then re-licence forms and is then provided with the standard conditions.
- The members noted that 3 points will come off the licence in November and this is the first concerns that have been raised during the course of him holding a licence.
- The Sub-Committee were content that the Licence Holder should be sent a warning letter from the members reminding him about the importance of abiding by the relevant conditions and policy and no further action needs to be taken.

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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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