

## HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING SUB-COMMITTEE

**Thursday, 25 February  
2021**

**5.30 pm**

**Virtual Meeting**

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

Substitute members: Councillors Biff Bean

Officers attending: Will Allen, Legal Services and Democratic Services

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### **VIRTUAL MEETING**

To join this meeting please click on the link below:

<https://zoom.us/j/91791013257?pwd=Y3MyVGtgZ1FIL0RIN0ZnaW1xdkJIZz09>

Or join via phone by calling:

**0330 088 5830**

And using the following ID: **917 9101 3257**

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## **AGENDA**

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<b>SECTION A</b>	<b>Pages</b>
1. Confirmation of Minutes - 5 November 2020	<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'

## **SECTION B**

4. To Interview an Applicant for a re-licence of a Private Hire Driver's Licence who has 9 current Penalty Points (Item No 01/2021) **7 - 10**

**[Exempt Paras 1]**

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

**Apologies for Absence:** None.

**10. Confirmation of Minutes from 3 September 2020**

RESOLVED that the minutes of the meeting held on 3 September 2020 be confirmed.

**11. Declarations of Interest**

No declarations of interest were received.

**12. 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.

**13. To Interview an Existing Driver who has Failed to Disclose a New Conviction: Item Number 11/2020**

The Licensing Officer:

- a) provided a report to determine whether the licence holder was a fit and proper person to continue to hold a private hire driver's licence having failed to disclose a breach of a Community Order made by the magistrates' court requiring the licensee to undertake unpaid work
- b) stated that the licensee had held a licence since September 2019
- c) highlighted that following the Sub-Committee in September 2019 the licence holder had a condition added to his private hire driver's licence which required him to have a DBS check annually for 5 years
- d) explained that the licensee made an application for a re-licence on the 25<sup>th</sup> of August 2020 and did not declare a sentencing breach
- e) reported that following a DBS check for the licensee's application to re-licensing, licensing officers discovered that the licensee had breached his Community Order in November 2019 and had been re-sentenced by the magistrates' court as a result
- f) alerted the Sub Committee to the current Hackney Carriage and Private Hire Licensing Policy which stated the following in relation to giving or making a false declaration: *'It is an offence for any person knowingly or*

*recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.'*

The Decision was made as follows:

That the Private Hire Driver's Licence be granted subject to the following conditions:

1. A special condition be imposed requiring a 6 monthly DBS check to be carried out at the licence holder's expense for a duration of five years starting from the date of his current DBS.
2. A strongly worded letter be issued which would emphasise the importance of declaring any criminal findings of guilt or a sentencing breach, including an expectation that if any further offences were to occur then this may result in his Private Hire Drivers Licence being revoked.

Reasons for the Decision:

1. The Sub-Committee were concerned that the licence holder was untrustworthy but the licensee said that he had now completed his community order and paid his fine.
2. The licensee explained that he had tried unsuccessfully to contact the centre that administered Community Orders to explain why he could not carry out the unpaid work.
3. The licensee said that he had received legal advice that he did not need to declare the breach of the Community Order.
4. The Sub-Committee were satisfied that the conditions imposed on the grant of his licence detailed above would alleviate concerns raised by the Sub-Committee regarding the Private Hire Driver and offered reassurance to the panel that he remained a fit and proper person to continue to hold a private hire driver's licence.

<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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