

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING SUB-COMMITTEE

**Thursday, 28 October
2021**

5.30 pm

**Committee Rooms 1-2,
City Hall**

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

Substitute members: Councillors Biff Bean

Officers attending: Will Allen, Legal Services and Democratic Services

AGENDA

SECTION A	Pages
1. Confirmation of Minutes from 29/09/21 and 7/10/21	3 - 8
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	9 - 10
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 Existing Driver who has failed to Disclose Offences - Item No: 07/2021	11 - 16
	[Exempt Paras 1]
5. To Interview and Existing Driver who has 11 Current Penalty Points - Item No: 08/2021	17 - 24
	[Exempt Paras 1]

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Present: Councillor Pat Vaughan (*in the Chair*),
Councillor Alan Briggs, Councillor Adrianna McNulty and
Councillor David Clarkson

Apologies for Absence: Councillor Loraine Woolley

10. Confirmation of Minutes from the last meeting held on 2 September 2021

RESOLVED that the minutes of the meeting held on 2 September 2021 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 Applicant for a re-Licence of a Private Hire Driver's Licence who has 11 Current Penalty Points - Item No 04/2021

The Licensing Officer:

- a) stated that following the Sub Committee hearing on 2 September 2021, further information was requested in relation to comments made by the applicant before the Sub Committee could determine whether the applicant was a fit a proper person to continue to hold a licence

The Sub-Committee questioned the applicant regarding further information received and received responses from the applicant.

The Decision was made as follows:

That the Licence holders Private Hire Drivers Licence be revoked due to new evidence put before the Sub-Committee.

The Hackney Carriage and Private Hire Licensing Sub-Committee thought the licence holder to be dishonest and not a fit and proper person to hold a Private Hire Driver Licence for the following reasons:

1. The licence holder seemed to change his mind when asked difficult questions or about inconsistencies with his version of events.
2. The Sub-Committee were confused as to how the guilty plea could have been entered to the court without the licence holder's knowledge.

3. The licence holder admitted to the Sub-Committee that his taxi was moving when the accident occurred but stated that he was stationary at the previous Sub-Committee and denied causing the accident. Whilst this may seem like a minor detail, the inconsistencies in the licence holder's version of events at both committees was troubling to the Sub-Committee particularly as both committees were heard within a short space of time. During the hearing the licence holder did admit causing the accident and apologised for this despite initially denying causing the accident.
4. At the previous Sub Committee, the licence holder denied that he left the car park by a route marked no exit however at this hearing he confirmed that he had done this but that he hadn't seen the no exit sign.
5. During the previous hearing the Sub-Committee expressed concern that the licence holder had failed to report the incident to the licensing authority. During this hearing the licence holder stated that he had provided the Licensing Officer with some information, to which the Licensing Officer confirmed that this had not been the case.
6. At the last hearing the Sub Committee decided to allow him to keep his licence (with conditions) because they believed that he had "conducted himself correctly at the time of the accident in reporting it to his employer including providing his employer with the contact details of the two witnesses". An email from his employer now suggested that this was not the case.
7. At the last hearing the Sub Committee decided to allow him to keep his licence (with conditions) because they believed that "following the accident he had done everything correctly in relation to the accident", however, the email from his employer now contradicted this as they were now faced with contradicting statements given by the licence holder regarding how his employer was notified of the accident.
8. The sub-committee found that the licence holder was being dishonest to them as his accounts of the accident and his actions following the accident kept changing, there were discrepancies between what the licence holder was telling the committee and the oral evidence of the licensing officer and in the email from his current employer and they were struggling to establish which version of events put forward by the licence holder was the truth. The Sub-Committee found that on the balance of probabilities he was being dishonest.

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

Apologies for Absence: None.

14. Declarations of Interest

No declarations of interest were received.

15. 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.

16. To Interview an Applicant for a Re-Licence of a Private Hire Driver's Licence who has 12 Current Penalty Points - Item Number 05/2021

The Licensing Officer:

- a) stated that the applicant had held a Private Hire Drivers Licence since April 2018 where he completed the Driver Improvement Programme and knowledge tests. The applicant had also held a licence from June 2011 until June 2013
- b) explained that in August 2021 the applicant contacted a member of the Licensing Team to discuss his re-licence application. The applicant stated that he had received 3 penalty points which took his total number of valid penalty points to 12. The applicant stated that he had pleaded exceptional hardship in court in order to keep his driving licence
- c) highlighted that within the current Hackney Carriage and Private Hire Licensing Policy it stated the following in relation to 'totting up':

'Any current driver disqualified from holding a DVLA licence under the 'totting-up' procedure should expect to have his/her hackney carriage or PHV driver licence revoked. At least 2 to 3 years should then elapse (after the restoration of the DVLA licence) before he/she is considered for a licence.'

In the case of an existing hackney carriage or PHV driver where the 'totting-up' disqualification of a DVLA licence is considered by the court, even if the court does not disqualify, the Council is likely to revoke the hackney carriage or PHV licence. At least 2 to 3 years should elapse before the individual is considered for a licence.'

The Sub-Committee questioned the applicant about his convictions and received responses from the applicant.

The Decision was made as follows:

The Sub-Committee were not prepared to depart from the Policy and to risk the safety of the public by granting the applicant a renewal of his Private Hire Driver's Licence so the applicants licence was revoked.

Reasons for the Decision:

1. The applicant had failed to persuade the Sub-Committee that his circumstances justified a departure from the Council's Hackney Carriage & Private Hire Licensing Policy.
2. The applicant admitted that he had accumulated 12 SP30 speeding points on his driving licence and that 9 of the points were accumulated between May 2019 and June 2020. He admitted that at least one of the offences was whilst driving a taxi with no passengers in the vehicle at the time.
3. The applicant admitted that he had been allowed to keep his licence after pleading hardship at court and that the hardship he referred to was that he was the only member of his family available to take relatives to hospital for treatments.
4. The applicant admitted that he had lost concentration momentarily at the time of the offences and that he had been marginally over the speed limit of 30mph by around 4 mph when the speed cameras captured the offences.
5. The applicant admitted that he had undertaken a speed awareness course in advance of the offences in hand having taken place.
6. The Sub-Committee believed the applicant had not exercised extreme diligence in watching his speed after accumulating 9 points on his driving licence, of which he ought to have been aware that further offences would put him in real jeopardy of losing his driving licence.
7. The Sub-Committee were sympathetic to the applicants personal and financial situation, but were of the view that the offences had been serious and closely clustered together, particularly the last three offences.
8. The Sub-Committee's priority was the safety of the travelling public and the financial circumstances and other personal circumstances of the applicant could not be given priority over public safety.

17. To Interview an Existing Driver who has 9 Current Penalty Points - Item Number 06/2021

The Licensing Officer:

- a) stated that the applicant had held a Private Hire Drivers Licence since November 2007

- b) explained that on the 24th August 2021 the licence holder made an application for a re-licence as a private hire driver. On the application form he declared he had received 3 penalty points for an SP30 offence in 2019
- c) explained that on the 7th September 2021 the licence holder applied for a private hire vehicle re-licence and declared on the application form that he was being prosecuted for a CU80 offence (driving whilst using a mobile phone) for which he expected to receive 6 points and a fine
- d) highlighted that within the current Hackney Carriage and Private Hire Licensing Policy it stated the following in relation to driving whilst using a mobile phone:

‘ A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.’

The Sub-Committee questioned the applicant about his convictions and received responses from the applicant.

The Decision was made as follows:

The Sub-Committee agreed to allow the licensee to continue to hold a Private Hire Driver's Licence and believed him to be a fit and proper person.

Reasons for the Decision:

1. The licensee had convinced the Sub-Committee that the circumstances behind the accumulation of the 9 points on his driving licence did not justify the Sub-Committee imposing any further sanctions.
2. The Sub-Committee believed the licensee to be a fit and proper person as he had declared the accumulated 9 points on his driving licence between June 2019 and August 2021.
3. The licensee explained that the first offence occurred when he was driving his family back from a day-trip to Skegness in the summer of 2019 and was not on duty as a taxi driver. The second offence was for using a mobile phone while the engine of the vehicle was running while he awaited his next job and had no passengers on board.
4. The Sub-Committee carefully considered the licensee's explanations for the offences and commended the licensee for keeping such a clean driving licence since 2007, aside from the offences in hand.
5. Members carefully considered any possible dangers to the safety of the travelling public and concluded that the aforementioned offences under all the circumstances did not cause them concern.

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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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