

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING SUB-COMMITTEE

**Wednesday, 24 November
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 - 28 October 2021	3 - 6
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	7 - 8
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 is Unable to Provide a Certificate of Good Conduct - item No: 09/2021	9 - 14
	[Exempt Paras 1]

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

Apologies for Absence: None.

18. Confirmation of Minutes from 29/09/21 and 7/10/21

RESOLVED that the minutes of the meetings held on 29 September 2021 and 7 October 2021 be confirmed.

19. Declarations of Interest

No declarations of interest were received.

20. 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.

21. To Interview an Existing Driver who has failed to Disclose Offences - Item No: 07/2021

The Licensing Officer:

- a) stated that the applicant had held a Private Hire Drivers Licence on two occasions, initially from 2011 until 2014 and secondly from July 2015 until present
- b) explained that on 12 May 2021 the licence holder made an application to re-licence as a private hire driver and declared on his application form that he had received 5 penalty points and a fine for driving without due care and attention in October 2018
- c) highlighted that the offence was not reported to the authority and that within the current Hackney Carriage and Private Hire Licensing Policy it stated the following in relation to driving without due care and attention:

'An isolated conviction for reckless driving or driving without due care and attention etc, should normally merit a warning as to future driving and advice on the standard expected of Hackney Carriage and PHV Drivers'

- d) explained that Condition 10 was attached to all Private Hire Drivers Licences and it stated the following:

' ALL CONVICTIONS, criminal findings of guilt (including fixed penalty tickets), cautions and warnings, whether for motoring or other offences and

County Court Judgements/Orders (where the judgement or order relates to a debt or charge to another Hackney Carriage/Private Hire driver, owner or operator) after the issue of this licence and during its currency must immediately after the date of conviction, criminal findings of guilt (including fixed penalty tickets), cautions and warnings, be communicated in writing to the Licensing Authority. Failure to do so may result in proceedings being taken against you, suspension or revocation of the 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 agreed to allow the licensee to continue to hold a Private Hire Driver's Licence and a letter be sent to the licence holder to make it clear that he must declare any offences.

Reasons for the Decision:

1. The Sub-Committee thought the actions of the victim were strange and were too methodical.
2. The Licensee seemed genuine and was supported by his manager who went to the police station to report the incident with him.
3. The Sub-Committee thought that the incident may have been an insurance scam due to events described by the licence holder

22. To Interview and Existing Driver who has 11 Current Penalty Points - Item No: 08/2021

The Licensing Officer:

- a) stated that the applicant had held a Private Hire Drivers Licence since October 2019
- b) explained that on 11 October 2021 the licence holder made an application to re-licence as a private hire driver and declared on his application that in June 2021 he had received 11 penalty points for 3 separate SP30 offences which happened in May 2020
- c) highlighted that within the current Hackney Carriage and Private Hire Licensing Policy it stated the following in relation to penalty points and taking a stepped approach to driver licence enforcement:

'If a driver receives 9 or more penalty points for a minor or some hybrid traffic offences, the matter will be referred to the Hackney Carriage and Private Hire Sub-Committee for a hearing. The driver will be expected to address the issues before the Sub-Committee'

- d) explained that Condition 10 was attached to all Private Hire Drivers Licences and it stated the following:

' ALL CONVICTIONS, criminal findings of guilt (including fixed penalty tickets), cautions and warnings, whether for motoring or other offences and County Court Judgements/Orders (where the judgement or order relates to a debt or charge to another Hackney Carriage/Private Hire driver, owner or operator) after the issue of this licence and during its currency must immediately after the date of conviction, criminal findings of guilt (including fixed penalty tickets), cautions and warnings, be communicated in writing to the Licensing Authority. Failure to do so may result in proceedings being taken against you, suspension or revocation of the 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 agreed to allow the licensee to continue to hold a Private Hire Driver's Licence and a letter be sent to the licence holder to make it clear that he must declare any offences.

Reasons for the Decision:

1. The licence holders' legal representative believed that the three driving offences should have been treated as one offence but the licence holder didn't have legal representation at the time he went to court.
2. The Sub-Committee doubted the applicant's explanation of the reasons for his speeding offences but the members did believe that he may have been afraid of being robbed when he was followed by the police in an unmarked car.
3. The Sub-Committee considered that the licence holder may have been unfortunate to have been convicted of three separate speeding offences instead of one when the offences all took place during a single incident.
4. The licence holder was at risk of having his driving licence revoked if he was to obtain a further offence.
5. The Sub-Committee believed the licence holder to be a fit and proper person to hold a Private Hire Driver's Licence due to him not having any previous offences in the UK or Slovakia.

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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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