

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

Apologies for Absence: None.

32. Confirmation of Minutes - 16 December 2021

RESOLVED that the minutes of the meeting held on 16 December 2021 be confirmed and signed by the Chair as an accurate record.

33. Declarations of Interest

No declarations of interest were received.

34. 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.

35. To Interview an Applicant who has Previously had a Hackney Carriage Drivers Licence Revoked

The Licensing Officer:

- a) stated that the applicant submitted an application for a new Hackney Carriage driver's license in September 2021
- b) explained that the applicant previously held a Hackney Carriage driver's license from September 2009 until September 2018 when his license was revoked by the Sub Committee. He added that a copy of the 2018 report and appendixes were attached at Appendix A to the report and that the decision notice was attached at Appendix B
- c) highlighted that the applicant came into City Hall on Monday 6 August 2018 for a re-license appointment within which he was asked if he had received any convictions or criminal findings of guilt such as fixed penalty notices
- d) added that the applicant had nine penalty points on his driving license of which he failed to disclose three points
- e) explained that within the current Policy in relation to informing the Council about criminal findings of guilt it stated the following:

Licensed drivers must notify the Council in writing immediately of any criminal convictions, findings of guilt (including fixed penalty tickets), cautions and warnings, whether for motoring or other offences, and any breaches of this requirement may result in the suspension of the license and the matter will be referred to the Licensing Committee for consideration.

- f) explained that in addition to the applicant's failure to disclose three penalty points, there had been a number of complaints made against him and it was also alleged that he had committed offences
- g) highlighted that the applicant appealed the revocation decision to Magistrates Court where the decision of the Sub Committee was upheld
- h) highlighted that a DVLA check was carried out which showed the applicant held a full and clean UK driving license
- i) added that the applicant had also been required to complete the knowledge test and DIP test, both of which he passed on his first attempt
- j) confirmed that Members were to determine whether the applicant was a fit and proper person to hold a Hackney Carriage Driver's License

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

The Decision was made as follows:

That the application for the grant of a new Hackney Carriage driver's license be refused.

Reasons for the Decision:

The Sub-Committee was not satisfied that the applicant was a fit and proper person to hold a licence. In reaching the decision the Sub-Committee considered that:

1. The applicant showed very limited regret in response to the significant volume of complaints, speeding offences, and a relevant criminal conviction which the Sub-Committee had highlighted to the applicant regarding his previous time as a licence holder.
2. The applicant's persistent and general reluctance to accept that he had been at fault in his earlier behaviour prevented the Sub-Committee from determining that he had become a fit and proper person to hold a licence since the revocation. In the absence of relevant corroborating evidence from the applicant, the passage of time since the earlier revocation was insufficient in this instance to allow the Sub-Committee to determine that the applicant was a fit and proper person to hold a licence.
3. The applicant had failed to demonstrate that he had a proper understanding of the rules pertaining to his conduct as a Hackney Carriage vehicle driver. The applicant highlighted his limited ability to read and write as being a mitigating factor in his previous failure to complete forms

accurately and to be fully aware of rules affecting his licence. The Sub-Committee noted the mitigating factor, while determining that for the safety of the travelling public, an applicant should be familiar with all relevant rules regardless of his level of literacy.

4. The applicant confirmed that he was able to read road and traffic signs properly. The Sub-Committee noted the applicant's BTEC qualification and the applicant's explanation that he had achieved this through the assessment of his work as part of a group rather than through individual assessment.
5. Limited weight should be placed upon the prior speeding offences. While at one time the applicant would have accrued 12 active penalty points, he confirmed that he believed he had attended a speed awareness course. Furthermore, the applicant currently held a clean driving licence. While observing the laws relating to driving was a serious matter, the prior offences would not have precluded the applicant from being granted a licence.
6. The applicant had been engaged in supporting his family since the revocation of his licence and did not adduce any evidence as to how he had remedied the behaviour which had led to the earlier revocation. The Sub-Committee noted that the applicant's opportunities to accrue such evidence may have been limited by the Coronavirus pandemic and his own personal circumstances. However, the Sub-Committee needed to be convinced that the applicant was a fit and proper person to hold a licence and had not been presented with sufficient evidence to reach that conclusion.
7. As in the earlier decision of the Sub-Committee to revoke the applicant's licence, the overriding duty of the Sub-Committee was to protect the public. The Sub-Committee determined that the applicant had failed to demonstrate was a fit and proper person to hold a licence and so his application was refused.
8. If submitting a future application, the applicant should be advised to provide supporting evidence to demonstrate whether he was a fit and proper person to hold a licence. Given the weight of historic negative evidence regarding his prior performance, the Sub-Committee would have particular regard to any character references the applicant could supply. Noting that the applicant had failed to provide evidence on this occasion after more than three years, a further period of two years was felt to be appropriate in order for the applicant to provide proper evidence as to whether he was a fit and proper person to hold a licence.