

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING SUB-COMMITTEE

Thursday, 1 September
2022

5.30 pm

Committee Rooms 1-2,
City Hall

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

Substitute members: Councillors Biff Bean

Officers attending: Becky Scott (Legal Services Manager), Democratic Services,
Legal Services, Louise Simpson (Solicitor) and Will Allen

AGENDA

SECTION A	Pages
1. Confirmation of Minutes - 9 June 2022	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 a Driver who has 9 Current Penalty Points - Item No: 07/2022 [Exempt Paras 1]	9 - 12
5. To Interview and Existing Driver who has Received 6 Points for a Driving Offence - Item No: 08/2022 [Exempt Paras 1]	13 - 18

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

Apologies for Absence: None.

44. Confirmation of Minutes from 14 April 2022

RESOLVED that the minutes of the meeting held on 14 April 2022 be confirmed.

45. Declarations of Interest

No declarations of interest were received.

46. 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.

47. To Interview an Existing Driver who has 9 Current Penalty Points - Item Number: 04/2022

The Licensing Officer:

- a) stated that the licensee had held a Private Hire Drivers Licence since 2 July 2021
- b) highlighted that on 28 April 2022, the licence holder contacted the Licensing Team to apply for a re-licence application, he mentioned that he had received a total of 6 new penalty points for 2 SP30 offences and emailed to confirm this
- c) explained that a DVLA check showed a total of 9 penalty points for 3 SP30 offences
- d) 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 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.'

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

The Decision was made as follows:

The Licence be granted with the following conditions:

- A DVLA check is to be carried out every 6 months
- A strongly worded letter to be sent to the Licensee to reiterate his responsibilities to notify the Licensing Team of any convictions as soon as possible after the event.

Reason for the Decision:

- The Sub-Committee believed that the licensee came across as a fit and proper person to hold a Private Hire Drivers Licence.
- The licensee explained that he had obtained 3 of the penalty points before becoming a licence holder, however, the 6 further points (the result of 2 separate incidents) were obtained after being granted his licence.
- The licensee explained that he was new to being a professional driver and had not properly understood the need to notify the authority of any points. He assured the committee that being invited to attend the Sub-Committee had instilled in him just how important this was and he would not be making this mistake again.
- The licensee was very remorseful for his actions and understood the seriousness of them.
- The licensee was open and honest about his offences, and he owned up to the mistakes he made.
- The licensee understood that any further offences may lead to him losing his driving licence.

48. To Interview an Existing Driver who has 9 Current Penalty Points - Item Number: 05/2022

The Licensing Officer:

- a) stated that the licensee had held a Private Hire Drivers Licence since August 2005
- b) highlighted that in December 2021, the licence holder contacted the Licensing Team to inform them he had received a conditional offer of a fixed penalty notice which would take him to a total of 9 penalty points
- c) explained that a DVLA check showed a total of 9 penalty points for 3 SP30 offences
- d) 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 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.'

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

The Decision was made as follows:

The Licence was to be granted.

Reason for the Decision:

- The licensee had been a taxi driver since 2005 and had never been before the Sub-Committee before.
- The licensee was very honest about his offences and declared them to the Licensing Team as soon as they occurred. The licensee had in fact notified the licensing team about the possibility of the points before he had even decided that he would accept the points as a way of dealing with the offence. The Sub-Committee believed that he had done everything the authority expected of him in respect of the points.
- The Sub-Committee believed the Licensee to be a fit and proper person to hold a Private Hire Drivers Licence.

49. To Interview an Existing Driver who has 15 Current Penalty Points - Item Number: 06/2022

The Licensing Officer:

- a) stated that the licensee had held a Private Hire Drivers Licence since November 2012
- b) highlighted that on 5 May 2022 the licence holder contacted the Licensing Team to say they had been convicted of driving without due care and attention (CD10) and received 9 penalty points. He also stated that this now took him to a total of 15 valid penalty points
- 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 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 the current Policy also stated the following in relation to the totting up process;

'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.'

- e) highlighted that the licensee previously appeared before the Sub-Committee on 7 January 2015 as he had been disqualified from driving for a period of 56 days for exceeding a 50mph speed limit, admitting he was doing 100mph, the licence was granted.

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

The Decision was made as follows:

The licence be revoked with the applicant being able to re-apply for his Private Hire Drivers Licence in 12 months.

Reason for the Decision:

- The Sub-Committee believed that the circumstances around the CD10 offence caused concern for the welfare of the public given its seriousness. The licensee admitted that conditions were not suitable leading up to the offence but still made the manoeuvre which caused a serious accident.
- The licensee also explained to the Sub-Committee that whilst there was very little injury caused during the collision both he and first responders believed that he was incredibly lucky in the circumstances and that it could have been much worse.
- The licensee was well aware of the seriousness of the accident and was remorseful in respect of this, but the Sub-Committee believed that the licensee was indifferent as to whether he had a licence or not as he was not an active Private Hire Driver.
- The licensee explained to the committee that this was not his full-time employment, but his license was a backup as he was only employed in a temporary contract and this could be ended quickly, his license gave him an instant opportunity to earn a wage should his temporary contact be terminated.
- The licensee was not driving as a professional driver at the time of the accident but was on a personal errand. However, he acknowledged that the accident was entirely his fault and was due to decisions and manoeuvres that he made. The Sub-Committee had a duty of care to the public and felt that the licensee was not a fit and proper person to hold a Private Hire Drivers Licence.
- The Sub-committee noted that the licensee had been able to obtain a positive letter of recommendation to support the hearing but this was not enough to waylay their fears.
- The Sub-Committee decided to depart from policy and allow the driver to reapply for a Private Hire Drivers Licence in 1 year as some of the points would be removed from his licence by then, however, this was by no means a guarantee that he would be successful in a future application made.

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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