

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING SUB-COMMITTEE

Thursday, 6 October 2022

5.30 pm

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

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

Substitute members: Councillors Biff Bean

Officers attending: Will Allen (Licensing Officer), Democratic Services, Legal Services, Farah Mahomed (Solicitor) and Bhupinder Sahota (Solicitor)

AGENDA

SECTION A	Pages
1. Confirmation of Minutes from 1 September 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	
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 has a Major Traffic Offence - Item No: 09/2022	7 - 20
[Exempt Paras 1]	
5. To Interview an Existing Driver who has 9 Current Penalty Points - Item No: 10/2022	21 - 26

[Exempt Paras 1]

6. To Interview an Existing Driver who has Received 6 Points - Item No: **27 - 50**
11/2022

[Exempt Paras 1]

7. To Interview an Existing Driver who has Received Complaints - Item No: **51 - 62**
12/2022

[Exempt Paras 1]

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

Apologies for Absence: Councillor Adrianna McNulty

50. Confirmation of Minutes - 9 June 2022

RESOLVED that the minutes of the meeting held on 9 June 2022 be confirmed.

51. Declarations of Interest

No declarations of interest were received.

52. 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.

53. To Interview a Driver who has 9 Current Penalty Points - Item No: 07/2022

The Licensing Officer:

- a) stated that the licensee had held a Private Hire Drivers Licence since July 2021
- b) highlighted that on 14 July 2022, the licence holder contacted the Licensing Team to apply for a re-licence application
- 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 refused with the applicant being able to re-apply in 12 months' time.

Reason for the Decision:

- The licensee gave an impression to the Sub-Committee that he was not genuinely remorseful for his actions.
- The Sub-Committee was concerned with the licensee's ability in general to recollect key facts that related to the offences in question in particular, if he was carrying passengers when the offences occurred or what time of day it was.
- The Sub-Committee were concerned that the role of Private Hire Driver appeared to be a secondary to the main profession being that of an engineer. The licensee advised the Sub-Committee that he was an engineer (freelance) and was engaged in contract work internationally including the United States and France.
- The Sub-Committee were concerned that the offences of the 06 January 2022 and the 10 March 2022 took place in close succession, with two of them being from the same speed camera, which was concerning for the safety of the public. The Sub-Committee were concerned that the Licensee was on notice of an offence and failed to take action to ensure that there was not a repeat of his behaviour resulting in another offence.
- The licensee was not suitably prepared for the Sub-Committee meeting and in general the questions asked by the Sub-Committee. The Licensee failed to provide answers to several key questions in particular relating to the offences.

54. To Interview and Existing Driver who has Received 6 Points for a Driving Offence - Item No: 08/2022

The Licensing Officer:

- a) stated that the licensee had held a Private Hire Drivers Licence since at least July 2005
- b) highlighted that on 10 June 2022, the licensee contacted a member of the Licensing Team as he had received a fixed penalty notice for using a mobile phone whilst driving (CU80). He then followed this up with an email and informed the Licensing Officer when he received confirmation of the penalty points
- c) highlighted that within the current Hackney Carriage and Private Hire Licensing Policy it stated the following in relation to currently licensed drivers receiving penalty points for a CU80 offence;

'Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or a private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.'

'Where an applicant has a conviction for using a handheld mobile telephone or a handheld device when driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed. Whichever is the later.'

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

The Decision was made as follows:

The Licence be granted with a strongly worded letter to be sent to the Licensee to reiterate the importance of not using/handling a mobile phone whilst driving.

Reason for the Decision:

- The licensee came across well, was honest about the offences and had reported them straight away to the Licensing Team.
- The licensee appeared to be genuinely remorseful for his actions and understood the seriousness of his actions.
- The Sub-Committee believed that the licensee had learnt from his actions and had taken steps to prevent this offence from happening again.
- The licensee had held his Private Hire Licence since at least 2005 and had owned his own firm for 12 years. Within this time, he had never come before the committee, which led the Sub-Committee to believe that the Licensee was a fit and proper person to hold a Private Hire Drivers Licence.

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