

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING SUB-COMMITTEE

Thursday, 26 January
2023

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, Becky Scott (Legal Services Manager) and Democratic Services

AGENDA

- | SECTION A | Pages |
|---|---------|
| 1. Confirmation of Minutes - 6 October 2022 | 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 Applicant who has Previously had a Private Hire Drivers Licence Revoked - Item Number: 01/2023 | 11 - 20 |

[Exempt Paras 1]

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

Apologies for Absence: Councillor David Clarkson and Councillor
Adrianna McNulty

55. Confirmation of Minutes from 1 September 2022

RESOLVED that the minutes of the meeting held on 1 September 2022 be confirmed.

56. Declarations of Interest

No declarations of interest were received.

57. 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.

58. To Interview an Applicant for a Private Hire Driver's Licence who has a Major Traffic Offence - Item No: 09/2022

The Licensing Officer:

- a) stated that on 28 April 2022 the applicant applied for a new Private Hire Drivers Licence
- b) highlighted that the applicant had previously held a Private Hire Drivers Licence from December 2012 until December 2020 when it expired
- c) explained that when making his application, the applicant disclosed a conviction for driving with no insurance
- d) highlighted that within the current Hackney Carriage and Private Hire Policy it stated the following in relation to offences of no insurance;

'A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour.'

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

The Decision was made as follows:

That the Licence be granted.

Reasons for the Decision:

- The Sub-Committee believed that the applicant was very remorseful for his actions and had learnt a hard lesson.
- The Sub-Committee believed that the applicant was extremely unlucky for his conviction.
- The taxi company were still willing to insure the applicant even with his conviction which showed the sub-Committee that he is a valued driver.
- The applicant answered all the questions asked quickly with no hesitation which showed that the applicant was truthful and honest.

59. To Interview an Existing Driver who has 9 Current Penalty Points - Item No: 10/2022

The Licensing Officer:

- a) stated that on 25 August 2022 the Licensee was issued with a new Private Hire Drivers Licence for one year following his re-licence application. He was also issued with a warning letter after the DVLA check confirmed he had 6 valid penalty points on his driving licence
- b) highlighted that the applicant had held a Private Hire Drivers Licence since at least 2004
- c) explained that on 9 September 2022 the licence holder called a member of the Licensing Team to inform members that he had received another 3 penalty points on his driving licence taking him to a total of 9 but was also potentially going to receive a further 3. The Licensee followed this up with an email
- d) highlighted that within the current Hackney Carriage and Private Hire 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 Licensing 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:

That the licence be granted along with a strongly worded letter reiterating that the licence holder was to notify the Licensing Team once the further 3 points/court date was received.

Reasons for the Decision:

- The applicant was open and honest with the Sub-Committee that he was under a lot of pressure in his personal life which was obvious to the Sub-Committee.
- The applicant had been driving since at least 2004 and had not been before the Sub-Committee before which showed dedication to being a driver.
- The applicant came across well to the Sub-Committee and as extremely remorseful for his actions.
- The applicant had been on a speed awareness course and highlighted to the committee that the safety of his passengers was paramount.

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

The Licensing Officer:

- a) stated that the Licensee had held a Private Hire Drivers Licence on two occasions, the first between 2008 and 2018 where the licence was revoked by the Sub-committee after receiving a total of 12 points. This decision was appealed by the Licensee but was upheld at the Magistrates Court, a case was then refused by a District Judge for the appeal to be moved to the High Court.

The Licence Holder then applied for a new Private Hire Drivers Licence in 2021 and again was required to appear before the Sub-Committee on 2 September 2021 where the licence was granted.

- b) highlighted that a warning letter at the request of the Sub-Committee impressing upon him the requirement for drivers to be fit and proper as well as specific mention to condition 10 of his Private Hire Drivers Licence, which he had again, failed to comply with by not notifying the Authority on receipt of the penalty points
- c) explained that on 8 August 2022 the Licence Holder applied for a re-licence and disclosed at Part 2 of the application that he had received a total of 6 points for 2 driving offences
- d) highlighted that within the current Hackney Carriage and Private Hire Policy it stated the following in relation to currently licensed drivers and self-reporting;

'Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.'

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

The Decision was made as follows:

The application for a Private Hire Drivers Licence be refused with the applicant not being able to re-apply for 3 years.

Reasons for the Decision:

- The Sub-Committee believed that the applicant didn't come across as remorseful and became agitated when questioned by the Committee.
- The Sub-Committee believed that the applicant was not genuine due to the amount of times he had appeared before the Sub-Committee for non-declaration of convictions.
- The applicant advised the Committee that he was now very careful and had been for this year however it was not a sufficient period of time to convince the Committee that he had learnt from his previous offences.
- The applicant had lived in Lincoln all of his life so the Sub-Committee believed that the applicant should know the area and the speed limits around Lincoln.
- The Sub-Committee did not feel comfortable with the applicant being responsible for driving their relatives in a taxi as well as the general public.

61. To Interview an Existing Driver who has Received Complaints - Item No: 12/2022

The Licensing Officer:

- a) stated that the Licensee had held a Private Hire Drivers License since November 2014 and they were also the holder of an operator licence which was granted in May 2018 until May 2023
- b) highlighted that on 16 May 2022 an email was received with a video attached showing the licensees vehicle going through two red traffic lights. The footage was viewed by the Sub-Committee
- c) explained that following receipt of the footage a member of the Licensing Team contacted the Licence Holder for their reasons, an email was received on 17 May 2022. Following this another email was received on 18 May 2022 with a statement attached, this changed the reasons as to why she went through the red light
- d) stated that on 20 June 2022 a complaint was received from a member of the public who had recently been a passenger in the Licencee's vehicle
- e) highlighted that due to the nature and number of complaints the Licence Holder had been referred to the Sub-Committee to determine if they were a fit and proper person to continue to hold a Private Hire Drivers Licence.

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

The Decision was made as follows:

That the Licence be granted along with a strongly worded letter reiterating the seriousness of the offence and that she is governed by the law of the road and this must be followed.

Reasons for the Decision:

- The Applicant advised the Committee that the incident that took place at the traffic lights was staged by her ex-partner and aggression was used in order to gain a reaction from her.
- The Sub-Committee believed that the licence holder was passionate about her job and this was her livelihood.
- The Sub-Committee did have concerns that's these events may re-occur (relationship with ex-partner) and thus re-iterated to the licence holder the seriousness of her actions and how these actions could have had different consequences.
- The licence holder had held a Private Hire Drivers Licence since 2014 and had not received any points on her licence and had not been before the Sub-Committee before.
- On a sub note the Committee were very sympathetic towards the applicant and the incident involving her ex-partner at the traffic lights.

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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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