

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

Apologies for Absence: Councillor Adrianna McNulty

Also in Attendance: Ragan Crow (Manager, Direct Cars), Darren Holt,
(Interpreter), Wife of Appellant (Item No: 07/2023)

1. Confirmation of Minutes - 13 April 2023

RESOLVED that the minutes of the meeting held on 13 April 2023 be confirmed and signed by the Chair as a true record.

2. Declarations of Interest

No declarations of interest were received.

3. 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.

4. To Interview An Applicant Who Has Failed To Disclose Previous Convictions - Item Number: 05/2023

The Licensing Officer:

- a) advised that the Hackney Carriage and Private Hire Licensing Sub-Committee was required to determine whether the licence holder was a fit and proper person to hold a driver's licence
- b) stated that the applicant submitted their application and documents to apply for a new private hire driver's licence in January 2023
- c) highlighted that the applicant declared that they had no convictions, cautions or driving endorsements at question 15 of the application form
- d) explained that a DBS check was requested which revealed that the applicant had failed to disclose a number of previous convictions as detailed at section 3.3 of the officer's report
- e) confirmed the provisions contained within the Hackney Carriage and Private Hire Licensing Policy with regard to non-disclosure and time periods of previous convictions detailed at sections 3.5 and 3.6 of the officer's report respectively

- f) explained that a DVLA check was requested which revealed one driving endorsement for a SP30 offence which the applicant had failed to disclose
- g) stated that the applicant had completed the Driver Improvement Programme (DIP Test) gaining a low-risk score on their first attempt and passed the knowledge test with a score of 8 out of 10
- h) reported that the applicant had provided 3 references which had been circulated to the Sub-Committee
- i) requested Members determined whether the licensee was a fit and proper person to hold a Private Hire driver's licence and provide full and frank reasons for the decision.

The applicant confirmed to the Sub-Committee that they had been informed in a letter that they could take legal advice about this matter and also that they could bring an interpreter to the hearing, however they had chosen to come alone.

The Sub-Committee asked the applicant appropriate questions to determine whether they were a fit and proper person to hold a Private Hire licence.

The decision was made as follows:

- 1. That the applicant be granted a Private Hire Driver's Licence.
- 2. That a strongly worded letter be issued which would emphasise the importance of declaring any further convictions or potential court proceedings, including an expectation that if any further offences were to occur then this may result in their Private Hire Drivers licence being revoked.

Reasons for the decision:

- 1. The Committee examined the applicant to determine whether or not he was a fit and proper person, in particular they asked him to explain his previous offences and the circumstances that led to them.
- 2. The applicant gave good answers to the Sub-Committee's questions, in particular with regards to how he would handle difficult customers as a taxi driver and how he would safeguard customers.

5. To Interview An Applicant Who Has Previously Had A Private Hire Drivers License Revoked - Item Number: 06/2023

The Licensing Officer:

- a) advised that the Hackney Carriage and Private Hire Licensing Sub-Committee was required to determine whether the licence holder was a fit and proper person to be granted a driver's licence
- b) stated that the applicant submitted their application and documents to apply for a new private hire drivers licence in February 2023

- c) highlighted that the applicant had previously held a private hire drivers licence from 2012 until 2017 when their licence was revoked by the Sub Committee; a copy of the 2017 decision was attached at Appendix A to the officer's report
- d) explained that the revocation was appealed by the applicant to Magistrates Court where the original decision was upheld
- e) added that the applicant also made an application for a new private hire drivers licence in 2021 which was refused by the Sub Committee; a copy of the decision notice was attached at Appendix B to the officer's report
- f) reported that since the revocation of their private hire drivers licence, the applicant also had a premises licence revoked
- g) highlighted that a new DBS check was requested which confirmed that the applicant had no new convictions
- h) stated that within the Hackney Carriage and Private Hire Licensing Policy, it stated the following in relation to a violent offence:

'Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed'.
- i) explained that a DVLA check was requested which showed that the applicant held a full driving licence with no endorsements
- j) reported that the applicant had provided 6 character references which had been circulated to the Sub-Committee
- k) requested Members determined whether the applicant was a fit and proper person to hold a Private Hire driver's licence and provide full and frank reasons for the decision.

The applicant confirmed to the Sub-Committee that they had been informed in a letter that they could take legal advice about this matter and also that they could bring an interpreter to the hearing. The applicant had chosen instead to bring along the Manager of their potential employer to offer them support.

The Sub-Committee asked the applicant appropriate questions to determine whether they were a fit and proper person to hold a Private Hire licence.

The decision was made as follows:

That the applicant be refused a Private Hire Driver's Licence.

Reasons for the decision:

1. The applicant had failed to persuade the Sub-Committee that his circumstances justified a departure from the Council's Hackney Carriage & Private Hire Licensing Policy. The relevant policy stated that a licence

would not normally be granted if an applicant had more than one conviction for a violent offence in 10 years.

2. Despite providing six references he had failed to provide references that spoke to his reformed character and why he was now a fit and proper person to hold a license despite this request having been made at a previous committee meeting.

6. To Interview An Applicant Who Has Previously Had A Private Hire Drivers Licence Revoked - Item Number: 07/2023

The Licensing Officer:

- a) advised that the Hackney Carriage and Licensing Sub-Committee was required to determine whether the licence holder was a fit and proper person to hold a driver's licence.
- b) stated that the applicant submitted their application and documents to apply for a new private hire driver's licence in May 2023.
- c) highlighted that the applicant had previously held a private hire driver's licence from 2017 until April 2022 when their licence was revoked by the Authority due to safeguarding concerns; a copy of the 2022 immediate revocation notice was attached at Appendix A to the officer's report.
- d) explained that the immediate revocation decision was appealed by the applicant to Magistrates Court whereby the case was dismissed; a summary of the decision produced by the Head of Legal Services at the time, was attached at Appendix B to the officer's report.
- e) added that a new DBS check was requested which confirmed that the applicant had a clean DBS certificate.
- f) explained that a DVLA check was also requested which showed the applicant held a full UK driving licence with 3 valid penalty points for an SP30 offence.
- g) reported that the applicant had provided 3 references which had been circulated to the Sub-Committee
- h) requested Members determined whether the licensee was a fit and proper person to hold a Private Hire driver's licence and provide full and frank reasons for the decision.

The applicant confirmed to the Sub-Committee that they had been informed in a letter that they could take legal advice about this matter and also that they could bring an interpreter to the hearing. An interpreter commissioned by the City of Lincoln Council was in attendance. The applicant had also brought along their spouse and former manager, to offer them support.

The Sub-Committee asked the applicant appropriate questions to determine whether they were a fit and proper person to hold a Private Hire licence.

The decision was made as follows:

That the applicant be refused a Private Hire Driver's Licence.

Reasons for the decision:

1. The applicant failed to persuade the Sub-Committee that he was a fit and proper person to hold a driver's licence, due to safeguarding concerns made against him which had led to the immediate revocation of his license.
2. The appeal case held against the decision to revoke the applicant's private hire driver's licence was heard by the Magistrates Court and dismissed. The Sub-Committee were unable to look behind the Magistrate Court's decision.
3. The applicant accepted that he had breached the code of conduct for Hackney Carriage and Private Hire Drivers employed by the City of Lincoln Council.
4. The Licensing Committee had determined policy to be applied to licence holders as well as agreeing to the implementation of the Statutory Taxi and Private Hire Standards. The Standards were developed to set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable. The onus was on the licence holder to explain to the Sub-Committee why it should depart from its policy.