

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING SUB-COMMITTEE

Thursday, 14 March 2024

5.30 pm

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

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

Substitute member(s): Councillors Natasha Chapman, Clare Smalley, Aiden Wells and
Emily Wood

Officers attending: Will Allen, Democratic Services, Louise Simpson and Mai Ward

A G E N D A

| SECTION A | Page(s) |
|---|------------------------|
| 1. Confirmation of Minutes - 28 November 2023 | 3 - 10 |
| 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 | 11 - 12 |
| 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' | |
| <hr/> | |
| SECTION B | |
| 4. To Interview An Existing Driver who has Fourteen Current Penalty Points - Item No 01/2024 | 13 - 20 |
| | [Exempt Para 1] |
| 5. To Interview An Applicant who has Previously had a Private Hire Licence Revoked - Item Number 02/2024 | 21 - 28 |
| | [Exempt Para 1] |

This page is intentionally blank.

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

Apologies for Absence: Councillor Adrianna McNulty

Also in Attendance: None.

15. Confirmation of Minutes - 10 October 2023

RESOLVED that the minutes of the meeting held on 10 October 2023 be confirmed and signed by the Chair as a true record.

16. Declarations of Interest

No declarations of interest were received.

17. 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.

18. To Interview An Applicant Who Has Previously Held A Private Hire Drivers Licence - Item Number: 10/2023

The Licensing Officer:

- a) advised of the reason for this hearing to determine whether the applicant was a fit and proper person to be granted a Hackney Carriage and Private Hire Driver's licence
- b) reported that Members must approach this matter bearing in mind the objectives of this licensing regime which was intended, among other things, to ensure so far as possible that those licensed to drive private hire vehicles were suitable persons to do so, namely that they were safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers
- c) added that it was right to regard a licence holder as fit and proper if adequate evidence of good character and record was adduced and there was no reason to question or doubt it
- d) referred to the determined policy to be applied to licence holders as well as agreeing to the implementation of the Statutory Best Practice Taxi Private Hire Standards, developed to set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable; the onus is on the licence holder to explain to the Sub-Committee why it should depart from its policy

- e) confirmed that the question to be answered by the Sub-Committee following the introduction of the best practice standards was, “*Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*”, and that if, on the balance of probabilities, the answer to the question was ‘no’, the individual should not hold a licence
- f) confirmed provisions contained within the Hackney Carriage and Private Hire Licensing Policy and Statutory Best Practice Taxi and Private Hire Standards as detailed at section 3.4 of the officer’s report
- g) requested that Members provide full and frank reasons for their decision within the decision notice to be issued to the applicant.

The applicant 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. A strongly worded letter be sent to the appellant to outline and reiterate the high standards, expectations and behaviours expected from a Private Hire Licence holder.

(Note: Meeting adjourned at 14:21)

19. To Interview An Applicant Who Has Failed To Disclose Previous Offences - Item Number: 11/2023

(Note: Proceedings resumed at 14:30)

The Licensing Officer:

- a) advised of the reason for this hearing to determine whether the applicant was a fit and proper person to be granted a Hackney Carriage and Private Hire Driver’s licence
- b) reported that Members must approach this matter bearing in mind the objectives of this licensing regime which was intended, among other things, to ensure so far as possible that those licensed to drive private hire vehicles were suitable persons to do so, namely that they were safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers
- c) added that it was right to regard a licence holder as fit and proper if adequate evidence of good character and record was adduced and there was no reason to question or doubt it

- d) referred to the determined policy to be applied to licence holders as well as agreeing to the implementation of the Statutory Best Practice Taxi Private Hire Standards, developed to set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable; the onus is on the licence holder to explain to the Sub-Committee why it should depart from its policy
- e) confirmed that the question to be answered by the Sub-Committee following the introduction of the best practice standards was, "*Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*", and that if, on the balance of probabilities, the answer to the question was 'no', the individual should not hold a licence
- f) confirmed provisions contained within the Hackney Carriage and Private Hire Licensing Policy and Statutory Best Practice Taxi and Private Hire Standards as detailed at section 3.4 of the officer's report
- g) requested that Members provide full and frank reasons for their decision within the decision notice to be issued to the applicant.

The applicant 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:

- 3. That the applicant be granted a Private Hire Driver's Licence for a period of one year.
- 4. The applicant undertake a DBS check after a period of six months.

20. To Interview An Applicant Who Has Previously Had A Private Hire Drivers Licence Refused - Item Number: 12/2023

The Licensing Officer:

- a) advised of the reason for this hearing to determine whether the applicant was a fit and proper person to be granted a Hackney Carriage and Private Hire Driver's licence
- b) reported that Members must approach this matter bearing in mind the objectives of this licensing regime which was intended, among other things, to ensure so far as possible that those licensed to drive private hire vehicles were suitable persons to do so, namely that they were safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers

- c) added that it was right to regard a licence holder as fit and proper if adequate evidence of good character and record was adduced and there was no reason to question or doubt it
- d) referred to the determined policy to be applied to licence holders as well as agreeing to the implementation of the Statutory Best Practice Taxi Private Hire Standards, developed to set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable; the onus is on the licence holder to explain to the Sub-Committee why it should depart from its policy
- e) confirmed that the question to be answered by the Sub-Committee following the introduction of the best practice standards was, "*Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*", and that if, on the balance of probabilities, the answer to the question was 'no', the individual should not hold a licence
- f) requested that Members provide full and frank reasons for their decision within the decision notice to be issued to the applicant.

The applicant 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:

- 5. That the applicant be granted a Private Hire Driver's Licence for a period of one year.
- 6. The applicant be subject to a DBS checks every quarter.
- 7. A strongly worded letter be sent to the applicant to outline and reiterate the high standards, expectations and behaviours expected from a Private Hire Licence holder.
- 8. The applicant provide a certificate of good conduct, annually, from his home country.

21. Change to Order of Business

RESOLVED that the order of business be amended to allow the agenda item entitled 'To Interview An Applicant Who Has A Valid CU80 Driving Endorsement - Item Number: 15/2023' to be considered as the next agenda item.

22. To Interview An Applicant Who Has A Valid CU80 Driving Endorsement - Item Number: 15/2023

The Licensing Officer:

- a) advised of the reason for this hearing to determine whether the applicant was a fit and proper person to be granted a Hackney Carriage and Private Hire Driver's licence
- b) reported that Members must approach this matter bearing in mind the objectives of this licensing regime which was intended, among other things, to ensure so far as possible that those licensed to drive private hire vehicles were suitable persons to do so, namely that they were safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers
- c) added that it was right to regard a licence holder as fit and proper if adequate evidence of good character and record was adduced and there was no reason to question or doubt it
- d) referred to the determined policy to be applied to licence holders as well as agreeing to the implementation of the Statutory Best Practice Taxi Private Hire Standards, developed to set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable; the onus is on the licence holder to explain to the Sub-Committee why it should depart from its policy
- e) confirmed that the question to be answered by the Sub-Committee following the introduction of the best practice standards was, "Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?", and that if, on the balance of probabilities, the answer to the question was 'no', the individual should not hold a licence
- f) confirmed provisions contained within the Hackney Carriage and Private Hire Licensing Policy and Statutory Best Practice Taxi and Private Hire Standards as detailed at section 3.4 of the officer's report
- g) requested that Members provide full and frank reasons for their decision within the decision notice to be issued to the applicant.

The applicant 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:

- 9. That the applicant be granted a Private Hire Driver's Licence for a period of one year.

(Note: Meeting adjourned at 15:38)

23. To Interview An Applicant Who Has Previously Been Disqualified From Driving - Item Number: 14/2023

(Note: Proceedings resumed at 15:52)

The Licensing Officer:

- a) advised of the reason for this hearing to determine whether the applicant was a fit and proper person to be granted a Hackney Carriage and Private Hire Driver's licence
- b) reported that Members must approach this matter bearing in mind the objectives of this licensing regime which was intended, among other things, to ensure so far as possible that those licensed to drive private hire vehicles were suitable persons to do so, namely that they were safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers
- c) added that it was right to regard a licence holder as fit and proper if adequate evidence of good character and record was adduced and there was no reason to question or doubt it
- d) referred to the determined policy to be applied to licence holders as well as agreeing to the implementation of the Statutory Best Practice Taxi Private Hire Standards, developed to set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable; the onus is on the licence holder to explain to the Sub-Committee why it should depart from its policy
- e) confirmed that the question to be answered by the Sub-Committee following the introduction of the best practice standards was, "Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?", and that if, on the balance of probabilities, the answer to the question was 'no', the individual should not hold a licence
- f) confirmed provisions contained within the Hackney Carriage and Private Hire Licensing Policy and Statutory Best Practice Taxi and Private Hire Standards as detailed at section 3.4 of the officer's report
- g) requested that Members provide full and frank reasons for their decision within the decision notice to be issued to the applicant.

The applicant 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:

10. That the applicant be refused a Private Hire Driver's Licence with the applicant being able to reapply in one year, subject to receiving no further driving licence endorsements.

24. Change to Order of Business

RESOLVED that the order of business be amended to allow the agenda item entitled 'To Interview An Applicant Who Has Previously Had A Private Hire Drivers Licence Revoked - Item Number: 13/2023' to be considered as the next agenda item.

25. To Interview An Applicant Who Has Previously Had A Private Hire Drivers Licence Revoked - Item Number: 13/2023

The Licensing Officer:

- a) advised of the reason for this hearing to determine whether the applicant was a fit and proper person to be granted a Hackney Carriage and Private Hire Driver's licence
- b) reported that Members must approach this matter bearing in mind the objectives of this licensing regime which was intended, among other things, to ensure so far as possible that those licensed to drive private hire vehicles were suitable persons to do so, namely that they were safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers
- c) added that it was right to regard a licence holder as fit and proper if adequate evidence of good character and record was adduced and there was no reason to question or doubt it
- d) referred to the determined policy to be applied to licence holders as well as agreeing to the implementation of the Statutory Best Practice Taxi Private Hire Standards, developed to set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable; the onus is on the licence holder to explain to the Sub-Committee why it should depart from its policy
- e) confirmed that the question to be answered by the Sub-Committee following the introduction of the best practice standards was, "Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?", and that if, on the balance of probabilities, the answer to the question was 'no', the individual should not hold a licence
- f) requested that Members provide full and frank reasons for their decision within the decision notice to be issued to the applicant.

The applicant 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:

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

| | |
|-----------------------|--|
| 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.

This page is intentionally blank.

Document is Restricted

This page is intentionally blank.

Document is Restricted

This page is intentionally blank.

Document is Restricted

This page is intentionally blank.

Document is Restricted

This page is intentionally blank.

Document is Restricted

This page is intentionally blank.

Document is Restricted

This page is intentionally blank.