

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING SUB-COMMITTEE

**Wednesday, 20 November
2024**

5.30 pm

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

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

Officers attending: George Addlesee (Licensing Officer), Democratic Services and Mai Ward (Solicitor)

AGENDA

SECTION A

Pages

1. Confirmation of Minutes - 3 October 2024
2. Declarations of Interest

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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 Existing Driver Who Has A Conviction For Using A Mobile Or Handheld Device While Driving: Item No: 18/2024

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[Exempt Paras 1]

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Present: Councillor Pat Vaughan (*in the Chair*),
Councillor Adrianna McNulty, Councillor Clare Smalley
and Councillor Loraine Woolley

Apologies for Absence: Councillor Alan Briggs and Councillor Martin Christopher

21. Confirmation of Minutes - 29 August 2024

RESOLVED that the minutes of the meeting held on 29 August 2024 be confirmed as a true record.

22. Declarations of Interest

No declarations of interest were received.

23. 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.

24. To Interview An Existing Driver Who Has 9 Current Penalty Points On His Driving Licence: Item No: 15/2024

The Licensing Officer:

- a) advised of the reason for this hearing to determine whether the existing driver was a fit and proper person to be granted the retention of his 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 was 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
- g) requested that Members provide full and frank reasons for their decision within the decision notice to be issued to the existing driver.

The existing driver had been informed in a letter that he could take legal advice about this matter and also that he could bring an interpreter to the hearing. The existing driver had brought along their current manager to offer him support.

The Sub-Committee asked the existing driver appropriate questions to determine whether he were a fit and proper person to continue to hold a Private Hire licence.

The decision was made as follows:

- 1. That the existing driver be permitted the retention of his Private Hire Driver’s Licence.
- 2. A strongly worded letter be sent to the existing driver to outline and reiterate the high standards, expectations and behaviours expected from a Private Hire Licence holder.

25. To Interview A Current Driver Who Has Failed To Disclose A Conviction For A Violent Offence: Item No: 16/2024

The Licensing Officer:

- a) advised of the reason for this hearing to determine whether the existing driver was a fit and proper person to be granted the retention of his 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 was 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
- g) requested that Members provide full and frank reasons for their decision within the decision notice to be issued to the existing driver.

The existing driver had been informed in a letter that he could take legal advice about this matter and also that he could bring an interpreter to the hearing however he had chosen to come alone.

The Sub-Committee asked the existing driver appropriate questions to determine whether he were a fit and proper person to continue to hold a Private Hire licence.

The decision was made as follows:

- 1. That the existing driver be permitted the retention of his Private Hire Driver’s Licence.
- 2. A strongly worded letter be sent to the existing driver to outline and reiterate the high standards, expectations and behaviours expected from a Private Hire Licence holder.

26. To Interview An Applicant Who Has Failed To Disclose Previous Relevant Convictions: Item No: 17/2024

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 was 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
- 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 he could take legal advice about this matter and also that he could bring an interpreter to the hearing however he had chosen to come alone.

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

The decision was made as follows:

1. That the applicant be refused a Private Hire Driver's Licence.
2. The Sub-Committee would welcome an application in the future, subject to the applicant receiving no further convictions or driving endorsements during this time. The Sub-Committee could not guarantee the applicant would be successful upon reapplication.

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