



LICENSING COMMITTEE

**Wednesday, 17 January
2024**

5.30 pm

**Committee Rooms 1 and
2, City Hall, Beaumont
Free, Lincoln, LN1 1DD**

Membership:	Councillors Loraine Woolley (Chair), Pat Vaughan (Vice-Chair), Debbie Armiger, Alan Briggs, Chris Burke, Liz Bushell, Martin Christopher, David Clarkson, Matthew Fido, Adrianna McNulty, Joshua Wells and Emily Wood
Substitute members:	Councillors Natasha Chapman, Gary Hewson, Clare Smalley, Calum Watt and Aiden Wells
Officers attending:	Tom Charlesworth, Rob Cuffling, Ian Cullen, Democratic Services and Louise Simpson

AGENDA

SECTION A	Pages
1. Confirmation of Minutes - 5 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. Hackney Carriage and Private Hire Minutes of Previous Meetings	
(a) 1 September 2022	7 - 10
(b) 6 October 2022	11 - 16
(c) 26 January 2023	17 - 18
(d) 16 March 2023	19 - 20
(e) 13 April 2023	21 - 24
(f) 14 June 2023	25 - 30
(g) 27 July 2023	31 - 32

(h) 10 October 2023	33 - 34
(i) 28 November 2023	35 - 42
4. Licensing Department Update	Verbal Report

Present: Councillor Loraine Woolley (*in the Chair*),
Councillor Pat Vaughan, Councillor Biff Bean, Councillor
Alan Briggs, Councillor Liz Bushell, Councillor
Martin Christopher, Councillor David Clarkson, Councillor
Matthew Fido, Councillor Jane Loffhagen, Councillor
Emily Wood and Councillor Gary Hewson

Apologies for Absence: Councillor Jackie Kirk and Councillor Adrianna McNulty

1. Confirmation of Minutes - 16 March 2022

RESOLVED that the minutes of the meeting held on 16 March 2022 be confirmed and signed by the Chair as an accurate record.

2. Declarations of Interest

No declarations of interest were received.

3. Confirmation of Hackney Carriage and Private Hire Minutes from 14 April and 9 June 2022

RESOLVED that the minutes of the Hackney Carriage and Private Hire Sub-Committee held on 14 April 2022 be confirmed.

RESOLVED that the minutes of the Hackney Carriage and Private Hire Sub-Committee held on 9 June 2022 be confirmed.

4. Review of Hackney Carriage Fares

Tom Charlesworth, Licensing Officer:

- a) presented a report to the Licensing Committee for consideration of two options from Hackney carriage proprietors, to increase the fares for Hackney Carriages in Lincoln
- b) explained the background to the report covering the main following points:
 - Highlighted that the last fare increase took place in March 2019 and the current tariff was shown at Appendix A to the report entitled 'Hackney Carriage Table of Maximum Fares'.
 - Explained that under option 1, submitted by Simon Hearn, Hackney Carriage Proprietor, there would be the same number of rates as the current tariff i.e, 4 rates but sought a fare increase to both rate 1 and rate 2. If agreed by the Council, rate 3 and rate 4 would also change as rate 3 was charged at rate 1 plus 100% and rate 4 was charged at rate 2 plus 100%.
 - Highlighted that under option 2, submitted by Sultan Mohamadi, Hackney Carriage Proprietor, the option was for a tariff that contained 5 rates. The significant difference from the current tariff was the inclusion of an extra 'night' rate (daily from 9pm to 6am) for when there were more than 4 passengers in the vehicle. This formed part of the newly proposed rate 3.

- Stated that all hackney carriage proprietors and drivers were consulted and were asked if they had a preference between the two options, or if the current tariff should instead, remain in operation.
- Added that option 1 received the least votes. Of those consulted, 21 were in favour of option 2, 10 were in favour of option 1, 1 was in favour of the current tariff remaining in operation and there were 4 abstentions.

c) welcomed comments and questions from the Committee

As a result of discussion between members, officers and guest speakers, the following points were made: -

- Confirmation was sought that there was an intention to add a fuel surcharge and it was confirmed that a fuel surcharge would be applicable.
- It was confirmed that there was difficulty in drawing comparisons between Hackney Carriage fares and private hire charges due the majority of private hire operators using a zonal system for their charges, as opposed to operating meters..
- Comments were received that the fuel surcharge was in place to protect proprietors, and suggestions were received to consider the charge as a cost-of-living exercise.
- Members asked about the proposed increased in soilage charge under option 2. Members sought clarification on the reason why option 2 sought to increase the charge from £50 to £65 and it was confirmed that the soilage charge would be a maximum amount, not a minimum amount.
- It was noted that the night-time economy accounted for a large proportion of Hackney Carriage business and that a fare could not be refused without a reasonable excuse.
- Proprietors explained that the cost of living, vehicle maintenance, fuel and wear and tear items had increased significantly. In addition, the requirement for electric vehicles was increasing and therefore, costs had risen significantly since the last fare increase in 2019.
- It was noted that drivers within different districts did not have the same vehicle requirements as Hackney Carriage drivers within the city which placed requirements on the specific type of vehicle permitted to be used.
- Officers confirmed that there were thirty Hackney Carriage vehicle licence holders within the city and unless the infrastructure of the city significantly changed, it was not likely to increase.
- It was noted that should members agree to option 2, it would place Lincoln in eighth position on the National Hackney Fares Table August 2022 as seen at page 39, Appendix E to the report.
- Members shared concerns that if Lincoln rose to eighth position on the National Hackney Fares Table, the city would surpass higher wage locations.
- Officers confirmed that a proprietor could negotiate a discounted fare if they wished.
- The presence of Uber drivers in the city was discussed and it was noted that Uber drivers impact Hackney Carriage business, however it was more likely to impact Private Hire drivers.
- The cost of a Hackney Carriage vehicle was discussed with a proprietor having paid £37,000 in 2019 for a vehicle appropriate to operate as a Hackney Carriage. It was confirmed that an electric vehicle would cost

approximately £70,000 in comparison to a private hire Mercedes-Benz which would cost approximately £45,000.

- Officers confirmed that private hire drivers were required to give 7 days' notice of fare increases. In comparison, Hackney Carriage drivers had a considerably longer process which included Committee involvement.
- The night rate proposal was discussed, and it was confirmed that private hire drivers charged a night rate from 18:00. Hackney Carriage drivers had to wait at present until 23:00 for an increased rate.
- Officers confirmed that a comparison of Lincoln's current fares and both options with other local authorities could be seen at 13.8 of the report.

The Chair thanked Tom for a thorough report and welcomed comments and discussion prior to recommendations. The following comments emerged from discussions held:

- Committee procedure and timetable for any change in present fare structure could be seen at 14.1 to the report.
- It was noted that once approval had been granted at Full Council, a period of advertisement would occur to allow fourteen days for any objections to be received. This meant the earliest implementation of a new tariff if no objections were received would be no later than November 2022.
- Consideration was given to the unit of measurement in which the calculated cost is currently derived from.
- Members commented that UK road signs display distance in miles and yards and as such, there was 1760 yards in one mile. It was added that one mile was not equally divisible by metres and odometers were calibrated in miles per hour.
- Proprietors commented that should yards and miles be used a unit of measurement, it would necessitate the need for small amounts of cash for fares that are not charged in whole pounds.
- Members commented that not all customers worked in both metric and imperial measurements and that a greater number of people used metric measurement. It was added that both measurements could be included on the Hackney Carriage tariff sheet.
- Officers confirmed that the unit of measurement should be yards, not metres and members confirmed that the incremental price per tenth of a mile could be changed.
- Tariff sheets could benefit from a display in miles with metres in brackets.
- Members sought confirmation of the percentage of customers who opted for card payment, and it was confirmed that this was approximately 80%. Therefore, the majority of customers would not need to carry small amounts of coins.
- It was added that calibration of meters to yards would carry an approximate cost of £40.
- It was agreed that the conversion would be carried out by the Licensing Officer.

RESOLVED that approval be agreed for Option 2, proposed by Sultan Mohamadi, Hackney Carriage Proprietor to proceed to full Council for implementation. In addition, the unit of measurement would be in miles and yards, changed from metres.

Councillor Gary Hewson wished it recorded that he voted against the decision.

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

Apologies for Absence: None.

62. Confirmation of Minutes - 6 October 2022

RESOLVED that the minutes of the meeting held on 6 October 2022 be confirmed.

63. Declarations of Interest

No declarations of interest were received.

64. 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.

65. To Interview an Applicant who has Previously had a Private Hire Drivers Licence Revoked - Item Number: 01/2023

The Licensing Officer:

- a) stated that in September 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 February 2018 until March 2020 when his licence was revoked by the sub-committee
- c) explained that a new DBS check was requested which confirmed that the applicant had a clean criminal record and DVLA check which revealed that the applicant had no valid criminal endorsements
- d) the applicant was required to complete a knowledge test and DIP test, both of which he passed on his first attempt.

The applicant confirmed to the Sub-Committee that he had been told in a letter that he could take legal advice about this matter and also that he could bring an interpreter to the hearing, however had chosen to come alone. The Sub-Committee asked the applicant the appropriate questions in relation to the revocation of his licence and received relevant responses.

The Decision was made as follows:

That the Licence be granted.

Reasons for the Decision:

- The Sub-Committee believed that the applicant was genuinely remorseful for his previous actions and had learnt his lesson.
- The references received for the applicant were extremely complimentary.
- The applicant understood the need and importance on having the correct insurance and that any conviction/offence needed to be reported to the Licensing Team as soon as possible.

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

Apologies for Absence: Councillor Alan Briggs and Councillor Adrianna McNulty

66. Apologies

Apologies for absence were received from Councillor Alan Briggs and Councillor Adrianna McNulty.

The Democratic Services Officer confirmed the quorum of 2 members.

The Chair requested his thanks be noted on record for the dedicated work of the Committee, Legal Services and Officers alike.

67. Confirmation of Minutes - 26 January 2023

RESOLVED that the minutes of the meeting held on 26 January 2023 be confirmed and signed by the Chair as a true record.

68. Declarations of Interest

No declarations of interest were received.

69. 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.

70. To Interview an Applicant who has previously had a Private Hire Drivers Re-License Application Refused - Item Number 07/2022

The Licensing Officer:

- a) stated that in January 2023, the applicant submitted an application for a new Private Hire Driver's Licence
- b) highlighted that the applicant had previously held a Private Hire Drivers License from July 2021 until July 2022 when his license expired and his application for re-license was refused by the sub-committee
- c) explained that a new DBS check was requested which confirmed that the applicant had a clean criminal record and a DLVA check which revealed that the applicant had received the endorsements as listed at 3.4 to the report

- d) confirmed the provisions as specified within the Hackney Carriage and Private Hire Licensing Policy and Hackney Carriage and Private Hire Standards as seen at 3.5 and 3.6 of the report respectively
- e) requested Members determine whether the applicant was a fit and proper person to hold a Hackney Carriage Driver's License and provide full and frank reasons for the decision.

The applicant confirmed to the Sub-Committee that he had been told in a letter that he could take legal advice about this matter and also that he could bring an interpreter to the hearing, however had chosen to come alone. The Sub-Committee asked the applicant the appropriate questions in relation to the revocation of his licence and received relevant responses.

The decision was made as follows:

That the licence be granted for a period of one year with special conditions. The applicant would be required to submit to a DVLA check every quarter; the cost and expense of such to be met by the applicant.

Reason for the Decision

- a) The Sub-Committee took on board the applicant's comments that he had expected the meeting in September 2022 to be more informal than it was, which therefore caused him to present his case differently.
- b) The reference received for the applicant was extremely complimentary and was considered with weight.
- c) One of the endorsements listed at section 3.4 of the report was due to be 'spent' in a matter of days.
- d) There had been no complaints received regarding the applicant during his time as a Hackney Carriage and Private Hire License holder.
- e) The applicant understood the need for and importance of notifying the licensing team of any conviction/offence as soon as possible.

Present: Councillors Pat Vaughan (*in the Chair*),
Alan Briggs, David Clarkson, Adrianna McNulty and
Lorraine Woolley

71. Confirmation of Minutes - 16 March 2023

RESOLVED that the minutes of the meeting held on 16 March 2023 be confirmed and signed by the Chair as a true record.

72. Declarations of Interest

No declarations of interest were received.

73. 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.

74. To Interview an Existing Driver who has 9 Current Penalty Points - Item Number: 03/2023

The Licensing Officer:

- a) stated that the licensee held a private hire drivers licence since 29 June 2022.
- b) highlighted that the licensee contacted a member of the Licensing Team on 16 March 2023 to inform them he had received a further 3 penalty points. A copy of the contact was attached at Appendix A to the report.
- c) explained that a DVLA check was requested which showed endorsements that totalled 9 penalty points for one SP30 offence and one CU80 offence.
- d) added that within the Hackney Carriage and Private Hire Licensing Policy, it stated the following in relation to penalty points and taking a stepped approach to driver license 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'.
- e) added that within the Hackney Carriage and Private Hire Standards, which were adopted in March 2022, it stated the following in relation to using a handheld device whilst driving:

'Where an applicant has a conviction for using a hand-held mobile telephone or a handheld device whilst 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'.

- f) requested Members determined whether the licensee was a fit and proper person to hold a Private Hire driver's license and provide full and frank reasons for the decision.

The licensee confirmed to the Sub-Committee that he had been told in a letter that he could take legal advice about this matter.

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

The decision was made as follows:

The Sub-Committee was not prepared to depart from the Policy and to risk the safety of the public by granting the retention of the licensee's Private Hire driver's licence. Therefore, the licence was revoked with the licensee being able to re-apply in 12 months' time.

Reason for the decision:

- a) 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 and Hackney Carriage and Private Hire Standards.
- b) The Sub-Committee was sympathetic to the licensee's personal circumstances but was of the view that the offences had been serious and the CU80 offence had occurred only 3 days prior to his license being granted.
- c) The safety of all passengers was the primary consideration within deliberations and the accumulation of 9 points in a short period of six months concerned the Sub-Committee.
- d) The reference received for the licensee was extremely complimentary and was considered with weight.
- e) The licensee had discussed the circumstances of the offences listed at 3.3 of the report openly and answered all questions asked. He appeared genuinely remorseful.
- f) The Sub-Committee was not minded to depart from Policy and the Hackney Carriage and Private Hire Standards. However, given the genuine remorse demonstrated and the complimentary reference received, the Sub-Committee agreed to exercise discretion and grant the licensee the right to re-apply in one year instead of five years.

75. To Interview An Existing Driver Who Has Failed To Disclose A Previous Conviction

The Licensing Officer:

- a) stated that the applicant submitted his application in October 2022 to apply for a new private hire driver's licence.
- b) highlighted that the applicant declared that he had no convictions or cautions at question fifteen of the application form.
- c) explained that a DBS check was requested which showed that the applicant had failed to disclose a conviction of assault by beating of an emergency service worker as detailed at 3.4 of the report.
- d) added that within the Hackney Carriage and Private Hire Standards, which were adopted in March 2022, 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'.
- e) confirmed that a DVLA check was requested which showed the applicant held a full UK driving license with no endorsements.
- f) added that the applicant had completed the Driver Improvement Programme (DIP Test) and gained a low-risk score on his first attempt and passed the knowledge test with a score of 8 out of 10.
- g) 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 he had been told 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 was a fit and proper person to hold a Private Hire driver's licence.

The decision was made as follows:

That the applicant be granted a Private Hire Drivers Licence.

Reason for the decision:

- a) The applicant came well prepared for the hearing and appeared honest, calm and transparent when questioned regarding the nature of the conviction.

- b) The conviction did not show on a basic Disclosure Barring Service (DBS) check as evidenced by the applicant's submission at the hearing. The penalty of £50 compensation appeared a concessionary payment and was not accompanied by a fine nor a term of imprisonment nor a conditional discharge so was accepted to be of a low level.
- c) The Sub-Committee extensively considered the Council's policies in relation to violent offences and giving or making false declarations, both of which would normally result in a licence not being granted. However, given the minor level of violence, minimal penalty received, the applicants calm and apologetic demeanour and the weight given to his full, clean UK driving license for over a decade, the Sub-Committee noted that its decision was finely balanced in finding that the driver was a fit and proper person to hold a licence.
- d) The Sub-Committee considered convictions for violent offences extremely seriously but was satisfied by the driver's account and that the offence was an isolated incident at the lower end of the scale of violent offences, as indicated by the minimal penalty received.
- e) The Sub-Committee could not find any valid reasons why the applicant should be refused a private hire driver's licence and therefore deviated from the policy due to the specific circumstances for this driver.

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.

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

Apologies for Absence: Councillor Pat Vaughan

7. Confirmation of Minutes - 14 June 2023

Apologies for absence were received from Councillor Pat Vaughan. Vice-Chair, Councillor Loraine Woolley took the Chair.

RESOLVED that the minutes of the meeting held on 14 June 2023 be confirmed and signed by the Chair as a true record.

8. Declarations of Interest

No declarations of interest were received.

9. 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.

10. To Interview An Applicant For A Private Hire Driver's Licence Who Is Unable To Provide A Certificate Of Good Conduct - Item Number: 08/2023

The Licensing Officer:

- a) advised that the Hackney Carriage and Private Hire Licensing Sub-Committee was required to determine whether the applicant was a fit and proper person to hold a driver's licence
- b) stated that the applicant submitted their documentation to apply for a new private hire driver's licence in January 2023
- c) highlighted that the applicant was unable to provide the Licensing Team with a certificate of good conduct from the country of origin
- d) explained that a DBS check was requested which revealed that the applicant had no convictions or cautions
- e) confirmed provisions contained within the Hackney Carriage and Private Hire Licensing Policy and Statutory Best Practice Taxi and Private Hire Standards, detailed at sections 2.4 and 2.5 of the officer's report respectively

- f) explained that a DVLA check was requested which revealed a full UK driving licence with no endorsements
- g) stated that the applicant had completed the Driver Improvement Programme (DIP Test) on the first attempt and passed the knowledge test on the second attempt with a score of 8 out of 10
- h) 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 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.

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

Apologies for Absence: Councillor Adrianna McNulty

11. Confirmation of Minutes - 27 July 2023

RESOLVED that the minutes of the meeting held on 27 July 2023 be confirmed and signed by the Chair as a true record.

12. Declarations of Interest

No declarations of interest were received.

13. 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.

14. To Interview An Applicant Who Has Disclosed A Previous Conviction - Item Number: 09/2023

The Licensing Officer:

- a) advised of the reason for this hearing to determine whether the applicant was a fit and proper person to continue to hold 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 3.5 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 for a period of one year.
2. A DBS check to be carried out every three months.

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.