

Present: Councillors Loraine Woolley (*in the Chair*), Alan Briggs, Kathleen Brothwell and Adrianna McNulty

Apologies for Absence: Councillor Pat Vaughan, Councillor Andy Kerry

Also in Attendance: Will Allen and Becky Scott

5. Confirmation of Minutes - 6 September 2018

The minutes from the previous meeting were agreed.

6. Declarations of Interest

No declarations of interest were received.

7. 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.

8. To Interview an Applicant for a Private Hire Driver's Licence Who Has Given Cause for Concern in Relation to Being Fit and Proper [06/2018]

The Licensing Officer:

- a) presented the report which detailed that the applicant had held a full UK driving licence since November 2015
- b) explained that the applicant came into City Hall for an appointment to apply for a new Hackney Carriage Drivers Licence
- c) highlighted that the applicant passed the knowledge test on his first attempt as well as achieving a low risk on the Driver Improvement Programme
- d) stated that when the applicant came into City Hall to collect his Private Hire licence he queried that he had applied for a Hackney Carriage licence
- e) advised that the Licensing Officer that was dealt with the applicant explained that there were only 30 hackney carriage vehicles licensed by the Authority and he would need to purchase one from an existing owner in order to put his own vehicle on the circuit
- f) highlighted that the applicant said he may have wish to go elsewhere to work, specifically mentioning Bradford or Leicester

- g) reported that the Licensing officer made the applicant aware that if he was to work outside of the city boundary he would be committing an offence
- h) stated that the Licensing Officer said that it was not possible for him to do this and explained the reasons why
- i) highlighted that the applicant then asked for a private hire licence instead and stated that he would go and find an operator to work for.

The Licensing Officer explained his concerns about the applicant and stated that some of the documents he provided were from a Bradford address.

Members asked the applicant relevant questions in relation to his application.

Decision

That the Private Hire drivers licence be granted.

Reasons for the decision

- The applicant provided clear clarification on the points that were of concern to the Licensing Officer
- The Sub Committee appreciated that the applicant had passed the knowledge test and achieved a low risk on the Driver Improvement Programme and felt he had a good knowledge of the city.
- The Sub Committee believed that the applicant was a fit and proper person to hold a Private Hire Drivers Licence.

9. To Interview an Existing Driver who has Admitted to an Offence Following a Complaint [07/2018]

The Licensing Officer:

- a) presented the report which detailed that the licensee had held a private hire drivers licence since June 2008
- b) explained that a complaint had been made to the operator about the licence holder
- c) further explained that a couple of weeks later a second complaint was received about the licence holder from a member of the public as detailed in Appendix A of the report
- d) highlighted that further to the complaints that had been made the incident that was alleged to have occurred was already being dealt with by the Police
- e) stated that the Police contacted the Licensing Team to discuss their findings and the outcome of the case which was outlined in Appendix B of the report

Members asked the applicant relevant questions in relation to the alleged offence.

The applicant answered the relevant questions and was given the opportunity to ask the Licensing Committee questions, of which he did.

The chair asked the applicant if he had any further information to add with regards to the case.

The applicant admitted to the Committee that he had made a mistake and that his behaviour was unacceptable. He also asked for clarification on a couple of things that were detailed in the report.

Members of the Licensing committee asked the applicant and the Licensing Officers further questions for clarification.

The Legal and Democratic Services Manager asked the applicant if he felt he had received a fair hearing and whether he was given a fair opportunity to speak.

The applicant confirmed that he was happy with what had been explained to him.

Decision

That the licence holder's private hire licence be suspended for a period of three months. During this time he would be expected to complete an anger management course which would be approved by a Licensing Officer of the council upon completion. The course would be completed at the licence holder's expense. Once the Licensing Officer was satisfied that the licence holder had completed the course, the suspension would expire and a licence could be re-issued to the licence holder. If the course was not completed, the matter would be brought back before the committee for further consideration.

Reasons for the decision

- 1) The serious nature of the complaint from the member of the public
- 2) The licence holder admitted the offence
- 3) The fact that the incident took place when the licence holder was working as a private hire driver
- 4) The action taken by the police in respect of a criminal investigation
- 5) The outcome of those proceedings, whilst noting that restorative justice is a low level offence and would not appear as a criminal record however it was a finding of guilt.

10. To Interview an Applicant whose Licence has 9 Penalty Points - Which Included a Non-Disclosure, Complaints and Alleged Offences [08/2018]

The Licensing Officer:

- a) presented the report which detailed that the licence holder had held a hackney carriage drivers licence since September 2009
- b) explained that the licence holder had 9 penalty points on his driving licence and had failed to disclose 3 points

- c) confirmed that it came to the Licensing Teams attention on receipt of the driving licence check which showed the licence holder had 9 penalty points and the Licensing team were not aware of this
- d) highlighted that there had been complaints made against the licence holder and it was also alleged that other offences had been committed as detailed in the officers report
- e) presented and played video footage to the Licensing Committee in relation to the alleged offences committed by licence holder.

Members of the committee asked the licence holder relevant questions regarding the alleged offences and responses were given.

The Licensing Officer then provided further paperwork to the committee relating to the case.

The chair asked the committee if they should adjourn the hearing for a short period of time to allow members to read the relevant paperwork.

The committee confirmed that they were happy for the hearing to proceed without the need to adjourn.

The chair gave the Licensing Officer the opportunity to speak in further detail about the application.

The Licensing Officer confirmed he had nothing else to add

The chair then gave the applicants representative the opportunity to also add any further information to the case.

The representative summed up his case on behalf of the applicant.

Further to the information that had been presented, the Legal and Democratic Services manager asked the applicant for clarification on whether he had understood the requirements of being a Hackney Carriage driver and whether the Licensing Team had conversed with him sufficiently.

The applicant confirmed that he understood the requirements and thanked the Licensing Team for their patience when dealing with him and explained that he understood all the information given to him.

Decision

That the applicant's application for a Hackney Carriage licence be revoked and a further application would not be considered by the council within 2 years of the date of this decision notice.

Reason for the Decision:

- 1) The applicant has been a driver for a number of years and there were a list of concerns relating to his licence

- 2) The applicant was dishonest on the basis that he would have known about the need to declare the 3 penalty points to the Licensing Officer with regards to the totting up process
- 3) The applicant clearly stated that the Licensing team members had been thorough in their explanations to him.
- 4) The witness statements were quite compelling as to the offences
- 5) There was certainly one offence of touting for hire which had been admitted
- 6) The licensing policy stated that for a licensing offence, which had been admitted by the applicant, an individual should not be able to reapply for a licence within 3 years of a conviction for a plying for hire offence.
- 7) The members felt there was good reason to take this element of the policy of the council into account, however they felt that a 2 year bar on applying would be sufficient in the circumstances.
- 8) Members felt that the applicant had a good command of the English language and understood the requirements laid out by the council for hackney carriage drivers and in any event should know being a member of the taxi community.
- 9) By plying for hire through beckoning an individual, and most likely two individuals outside a private hire company where they had booked a vehicle for a journey, it showed that it was a deliberate act by the applicant to take customers away from the private hire rank.
- 10) The overriding duty was the protection of the public and it was felt by the members that the applicant had not demonstrated that he was a fit and proper person to hold a licence.