

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

Apologies for Absence: None.

9. Confirmation of Minutes - 4 July 2019

The minutes from the previous meeting were confirmed.

10. Declarations of Interest

No declarations of interest were received.

11. 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.

12. To Interview a Private Hire Licence Holder who has been Convicted of a Major Traffic Offence [08/2019]

The Licensing Officer:

- a) explained that the licensee had held a licence since 22nd April 2008.
- b) highlighted that in April 2019 a Licensing Officer received a phone call from a member of Transport Services at Lincolnshire County Council, stating that they had recently conducted a DBS check on the Licensee as he had applied for a school contract badge and it had revealed additional relevant information which could only be disclosed at the discretion of the Police.
- c) explained that an appointment was made for the 15th May 2019 by Licensing Officers with the Licensee and he was asked if he could bring his DBS from County Council with him. The Licensee brought a mandate to allow a check to take place on his driving licence.
- d) highlighted that upon sight of the DBS on 15th May 2019 it showed that the Licensee had been involved in three road traffic incidents between 2014 and 2018.
- e) highlighted that following the appointment in May 2019 a DVLA check was undertaken which showed that the Licensee had received 9 penalty points for careless driving in October 2018. The vehicle accident spreadsheet was also checked to see if the accident had been reported but no record was found.

Members asked the licensee relevant questions in relation to his convictions to which the licensee responded accordingly.

Decision

That the Licensee's private hire driving licence would be suspended until completion of an advanced driving course.

Reasons for the Decision

- The Sub-Committee believed that the first road traffic accident in 2014 was an unlucky incident as the Licensee was avoiding hitting a dog and damaged a traffic light.
- The Sub-Committee were not persuaded that the Licensee had reported the 2018 accident by telephone within 72 hours to Licensing Officers as required by the Licensee's private hire vehicle licence because there was no record of the telephone report ever having been made.
- The Sub-Committee noted that the Licensee pleaded guilty to the 2018 accident and was given the maximum penalty available to the court of 9 points, which indicated the seriousness of the incident.
- The Sub-Committee believed that the Licensee was not a completely bad driver as he had held a licence for nearly 11 years and had regular passengers who requested his services by name.
- The Sub-Committee noted that the accident had clearly affected the Licensee.
- The Sub-Committee noted that the Licensee did not come across as aggressive and presented himself well.
- The Sub-Committee believed that the quality of the Licensee's driving would be improved by completing an advanced driving course. The safety of the travelling public was of paramount concern and would best be protected by suspending the Licensee's private hire driving licence until the Licensee had completed the advanced driving course.

13. To Interview a Licence Holder Following a Complaint

The Licensing Officer:

- a) explained that the Licensee had held a private hire drivers licence since 22nd March 2017.
- b) advised that on the 24th June 2019 a complaint was received about the Licensee's conduct by the Licensing Team from the father of a young man aged 20 who had gone missing in the early hours of 23rd June 2019 after being picked up as a fare by the Licensee. His son was found at around 5am on the same day after being left on the side of a road between the pickup and drop off locations. His wallet and phone were also missing. It was later discovered that the Licensee had kept the individual's mobile

phone. The passenger's disappearance on the night had caused his relatives to file a missing person's report with the Lincolnshire Police.

- c) advised that a complaint had also been received about the Licensee's conduct from the mother of the passenger's fiancée.
- d) highlighted that following the receipt of the complaints the Licensing Team had emailed a copy of the complaint to the Licensee's private hire operator which had spoken to the driver regarding the events that took place on 23rd June 2019.
- e) stated that the Licensee was called into the Council Offices on the 24th June 2019 to go explain the incident to Licensing Officers.
- f) highlighted that on the 25th June 2019, audio recordings of the conversations between the operator and the Licensee during the incident had been received by the Licensing Team from the operator.
- g) highlighted that on 3rd July 2019 a statement was received from the individual who was approached by the passenger in the early hours on 23rd June 2019, who stated that the passenger seemed disorientated, lost and in a panicked state.

The Sub-Committee listened to the audio recording before asking the licensee relevant questions regarding the complaints received.

Decision

That the Licensee's private hire driver's licence be suspended until the Licensee had completed the full BTEC qualification.

Reasons for the Decision

- The Sub-Committee believed the Licensee's explanation that the passenger had been sick in the vehicle and had tried to leave the vehicle whilst it was in motion.
- The Sub-Committee believed that the Licensee's primary concern was payment of his fare and clean-up costs and that he regarded this as more important than the welfare and safety of his passenger.
- The Sub-Committee noted that the private hire operator had expressed concerns regarding the duty of care for the passenger during the incident, as shown by the audio recordings.
- The Sub-Committee believed that the Licensee did not fully understand the seriousness of his duty of care for the passenger.
- The Sub-Committee believed that the Licensee made a wrong moral judgement to abandon his passenger who was vulnerable and intoxicated in an agricultural area in the early hours of the morning without any means of the passenger obtaining or summoning help.
- The Sub-Committee noted that the Licensee was argumentative during the hearing and seemingly lacking in remorse for his actions.

