

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

Apologies for Absence: Councillor Loraine Woolley

18. Confirmation of Minutes: 5 September 2019

RESOLVED that the minutes of the meeting held on 5 September 2019 be confirmed.

19. Declarations of Interest

No declarations of interest were received.

20. 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.

21. Change to Order of Business

RESOLVED that the order of business be amended to allow the remaining agenda items to be considered in reverse order.

22. To Interview an Applicant for a Private Hire Driver's Licence who has 9 Current Penalty Points (11/2019)

The Licensing Officer:

- a. provided a report to determine whether an applicant for a private hire driver's licence was a fit and proper person to continue to hold a licence having 9 valid penalty points on his driving licence
- b. stated that the licensee had held a private hire driver's licence since August 2013
- c. explained that the applicant came into City Hall on 11 July 2019 to apply for a 3 year private hire drivers licence
- d. highlighted that during the appointment the licensee declared that he had received two convictions for speeding, receiving 3 penalty points for each offence and was awaiting the paperwork for a third speeding offence
- e. reported that a driving licence check revealed endorsements involving 6 penalty points as detailed within paragraph 3.4 of the report and a 3 year driver's licence was issued on 7 August 2019

- f. added that a further DBS check was carried out following a telephone call made by the licensee on 25 September 2019 to say that he had received a further 3 penalty points and this DBS check confirmed that the licensee now had 9 valid penalty points on his licence
- g. alerted the Sub Committee to the current Hackney Carriage and Private Hire Licensing Policy which 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 decision was made as follows:

1. That the private hire driver's licence be suspended until such time that the driver could attend and pass a driver improvement programme at his own expense and achieve a low level risk score.
2. A special condition be imposed requiring a 6 monthly DBS check to be carried out at the licence holder's expense for the duration of his licence
3. A strongly worded letter to be issued which would emphasise the very high standards of safe driving expected from him as a Private Hire Driver, including an expectation that should any further traffic violations be committed these would result in him being brought back before the Sub-Committee.

Reasons for the decision:-

1. Members of the Sub-Committee were concerned over the frequency of fines the licence holder had received for a succession of speeding offences over three consecutive months from March to May 2019.
2. Members of the Sub-Committee were concerned to hear the speeds the licence holder claimed to be travelling when caught exceeding the speed limits when he was questioned.
3. The fact that the Licence Holder did disclose his pending speeding fine was noted by members.
4. The licence holder's decision to take it upon himself to partake in a speed awareness course at his own expense following the second conviction was noted by members.
5. 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.
6. The Sub-Committee concluded that the issue of a strongly worded letter and a 6 monthly DBS check for the duration of his licence, in addition to

the suspension of his licence until satisfactory completion of an advanced driving course would be suitably proportionate action to take.

7. Members agreed that the licence holder had learnt a lesson by being put under scrutiny by the Sub-Committee.
8. The Sub-Committee took into account that the licence holder presently carried nine penalty points on his licence. Consequently, if he gained any more penalty points and/or more points were revealed by the frequent DVLA checks, he would reach the twelve point limit and be immediately suspended and brought before the Sub-Committee again.
9. After very careful deliberation the Sub-Committee concluded that the licence holder was a fit and proper person to continue to hold a Private Hire Driver's licence.

23. To Interview an Applicant for a Private Hire Driver's Licence who is Unable to Provide a Certificate of Good Conduct and Failed to Disclose Previous Offences (14/2019)

The Licensing Officer:

- a) provided a report to determine whether an applicant for a private hire driver's licence was a fit and proper person to hold a licence having been unable to provide a certificate of good conduct and had also failed to disclose previous offences
- b) explained that the applicant came into City Hall for an appointment to apply for a new private hire driver's licence on 15 August 2019
- c) reported that the applicant responded to question 15 of the application form which asked "*are there any previous convictions, criminal findings of guilt (including fixed penalty tickets), cautions and warnings, whether for motoring or other offences recorded against you*", stating that he had received motoring convictions around 2013/2014 and had also received 3 points for a speeding offence in December 2016
- d) confirmed that following a DVLA check the licensee's driving licence was found to have 3 penalty points for an SP30 offence
- e) gave details of the convictions identified from the DBS check returned in October 2018 as detailed at paragraph 3.4 of the officer's report
- f) added that due to the delay in the application for a Private Hire Driver's Licence being made since the previous DBS check, a further check was requested in October 2019 which returned the same information as that provided at paragraph 3.4 of the report
- g) highlighted that under the current policy "*It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused*".

- h) advised also that the applicant had been unable to provide the Licensing Team with a certificate of good conduct from Iraq where he was originally from
- i) stated that the applicant came to the UK in 2002
- j) advised that the applicant had held a full UK driving licence since July 2012 and currently had 3 penalty points recorded against him
- k) explained that he also passed the knowledge test on his first attempt scoring 8/10 as well as achieving a low risk on the Driver Improvement Programme on his second attempt after initially receiving a high risk rating.

The Sub-Committee interviewed in depth an applicant for a private hire driver's licence who had been unable to provide a certificate of good conduct and had also failed to disclose previous offences.

The decision was made as follows:

The application for a private hire driver's licence be granted.

Reasons for the decision:

1. The Sub-Committee was sympathetic to the difficulties faced by the applicant in obtaining a certificate of good conduct from his country of origin Iraq.
2. The Sub-Committee was concerned that the applicant had failed to disclose previous convictions.
3. The Sub-Committee referred to the current policy where it stated that any failure to disclose offences would normally result in a licence application being refused.
4. Members of the Sub-Committee noted that the punishment given for the driver's offences had not been at the higher scale of penalties which could be imposed.
5. The Sub-Committee felt that the applicant presented himself well with a genuine work ethic.
6. The applicant had no further offences recorded against him since 2013.
7. The applicant came to the UK aged 16 as a refugee.
8. 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.
9. The Sub-Committee considered that the applicant had given credible reasons why he had failed to surrender to custody in September 2006 due to family bereavement.

10. The Sub-Committee concluded that the licence holder was a fit and proper person to hold a Private Hire Driver's licence.

24. To Interview an Applicant for a Private Hire Driver's Licence who is Unable to Provide a Certificate of Good Conduct (13/2019)

The Licensing Officer:

- a) provided a report to determine whether an applicant for a private hire driver's licence was a fit and proper person to hold a licence having been unable to provide a certificate of good conduct
- b) explained that the applicant came into City Hall for an appointment to apply for a new private hire drivers licence on 14 April 2019
- c) highlighted that the applicant had been unable to provide the Licensing Team with a certificate of good conduct from Afghanistan where he was originally from
- d) stated that the applicant came to the UK in 2006 and now held a British Passport
- e) advised that the applicant had held a full UK driving licence since July 2016 and currently had no penalty points recorded against him
- f) explained that he also passed the knowledge test on his first attempt scoring 8/10 as well as achieving a low risk on the Driver Improvement Programme on his second attempt after initially receiving a high risk rating.

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

Decision

That the Private Hire Drivers licence be granted.

Reasons for the Decision

1. The applicant presented himself to the Sub-Committee as being truthful, open, credible and believable.
2. The applicant had a clean driver's licence and DBS check.
3. The Sub-Committee did not have any concerns over the suitability of the applicant and was sympathetic to the difficulties faced by him in obtaining a certificate of good conduct from his place of origin, Afghanistan, despite going to a huge effort to try to obtain one through the Afghani Embassy.
4. The applicant had not been convicted of any offences since arriving in the UK and becoming a British Citizen therefore there was no reason to doubt that he was a fit and proper person to hold a Private Hire Driver's licence.
5. The applicant had already passed his BTEC qualification in professional driving.
6. The applicant came to the UK aged 17 as a refugee.

7. The Sub-Committee concluded that the licence holder was a fit and proper person to hold a Private Hire Driver's licence.

25. To Interview an Applicant for a Private Hire Driver's Licence who is Unable to Provide a Certificate of Good Conduct (12/2019)

The Licensing Officer:

- a) provided a report to determine whether an applicant for a private hire driver's licence was a fit and proper person to hold a licence having been unable to provide a certificate of good conduct
- b) explained that the applicant came into City Hall for an appointment to apply for a new private hire driver's licence on 13 June 2019
- c) highlighted that the applicant had been unable to provide the Licensing Team with a certificate of good conduct from Afghanistan where he was originally from, despite going to a huge effort to try to obtain one through the Afghani Embassy
- d) stated that the applicant came to the UK in 2012
- e) advised that the applicant had held a full UK driving licence since April 2007 and currently had no penalty points recorded against him
- f) explained that he also passed the knowledge test on his second attempt as well as achieving a low risk on the Driver Improvement Programme

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

Decision

That the Private Hire Drivers licence be granted.

Reasons for the Decision

1. The Sub-Committee felt that the applicant presented himself well and that he came across as open and honest with a genuine work ethic.
2. The applicant had a clean driver's licence and DBS check.
3. The applicant came to the UK aged 15 as a refugee.
4. The Sub-Committee did not have any concerns over the suitability of the applicant and was sympathetic to the difficulties faced by him in obtaining a certificate of good conduct from his place of origin, Afghanistan.
5. The applicant's explanation regarding trying to obtain an apprenticeship in plumbing and wanting to save money to pay for a plumbing course was supported by the Sub-Committee.
6. The applicant spoke good English.

7. The applicant had obtained a low risk on the Driver Improvement Programme.
8. The Sub-Committee concluded that the licence holder was a fit and proper person to hold a Private Hire Driver's licence.