

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

Apologies for Absence: None.

14. Declarations of Interest

No declarations of interest were received.

15. 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.

16. To Interview an Applicant for a Re-Licence of a Private Hire Driver's Licence who has 12 Current Penalty Points - Item Number 05/2021

The Licensing Officer:

- a) stated that the applicant had held a Private Hire Drivers Licence since April 2018 where he completed the Driver Improvement Programme and knowledge tests. The applicant had also held a licence from June 2011 until June 2013
- b) explained that in August 2021 the applicant contacted a member of the Licensing Team to discuss his re-licence application. The applicant stated that he had received 3 penalty points which took his total number of valid penalty points to 12. The applicant stated that he had pleaded exceptional hardship in court in order to keep his driving licence
- c) highlighted that within the current Hackney Carriage and Private Hire Licensing Policy it stated the following in relation to 'totting up':

'Any current driver disqualified from holding a DVLA licence under the 'totting-up' procedure should expect to have his/her hackney carriage or PHV driver licence revoked. At least 2 to 3 years should then elapse (after the restoration of the DVLA licence) before he/she is considered for a licence.'

In the case of an existing hackney carriage or PHV driver where the 'totting-up' disqualification of a DVLA licence is considered by the court, even if the court does not disqualify, the Council is likely to revoke the hackney carriage or PHV licence. At least 2 to 3 years should elapse before the individual is considered for a licence.'

The Sub-Committee questioned the applicant about his convictions and received responses from the applicant.

The Decision was made as follows:

The Sub-Committee were not prepared to depart from the Policy and to risk the safety of the public by granting the applicant a renewal of his Private Hire Driver's Licence so the applicants licence was revoked.

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.
2. The applicant admitted that he had accumulated 12 SP30 speeding points on his driving licence and that 9 of the points were accumulated between May 2019 and June 2020. He admitted that at least one of the offences was whilst driving a taxi with no passengers in the vehicle at the time.
3. The applicant admitted that he had been allowed to keep his licence after pleading hardship at court and that the hardship he referred to was that he was the only member of his family available to take relatives to hospital for treatments.
4. The applicant admitted that he had lost concentration momentarily at the time of the offences and that he had been marginally over the speed limit of 30mph by around 4 mph when the speed cameras captured the offences.
5. The applicant admitted that he had undertaken a speed awareness course in advance of the offences in hand having taken place.
6. The Sub-Committee believed the applicant had not exercised extreme diligence in watching his speed after accumulating 9 points on his driving licence, of which he ought to have been aware that further offences would put him in real jeopardy of losing his driving licence.
7. The Sub-Committee were sympathetic to the applicants personal and financial situation, but were of the view that the offences had been serious and closely clustered together, particularly the last three offences.
8. The Sub-Committee's priority was the safety of the travelling public and the financial circumstances and other personal circumstances of the applicant could not be given priority over public safety.

17. To Interview an Existing Driver who has 9 Current Penalty Points - Item Number 06/2021

The Licensing Officer:

- a) stated that the applicant had held a Private Hire Drivers Licence since November 2007

- b) explained that on the 24th August 2021 the licence holder made an application for a re-licence as a private hire driver. On the application form he declared he had received 3 penalty points for an SP30 offence in 2019
- c) explained that on the 7th September 2021 the licence holder applied for a private hire vehicle re-licence and declared on the application form that he was being prosecuted for a CU80 offence (driving whilst using a mobile phone) for which he expected to receive 6 points and a fine
- d) highlighted that within the current Hackney Carriage and Private Hire Licensing Policy it stated the following in relation to driving whilst using a mobile phone:

‘ A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.’

The Sub-Committee questioned the applicant about his convictions and received responses from the applicant.

The Decision was made as follows:

The Sub-Committee agreed to allow the licensee to continue to hold a Private Hire Driver’s Licence and believed him to be a fit and proper person.

Reasons for the Decision:

1. The licensee had convinced the Sub-Committee that the circumstances behind the accumulation of the 9 points on his driving licence did not justify the Sub-Committee imposing any further sanctions.
2. The Sub-Committee believed the licensee to be a fit and proper person as he had declared the accumulated 9 points on his driving licence between June 2019 and August 2021.
3. The licensee explained that the first offence occurred when he was driving his family back from a day-trip to Skegness in the summer of 2019 and was not on duty as a taxi driver. The second offence was for using a mobile phone while the engine of the vehicle was running while he awaited his next job and had no passengers on board.
4. The Sub-Committee carefully considered the licensee’s explanations for the offences and commended the licensee for keeping such a clean driving licence since 2007, aside from the offences in hand.
5. Members carefully considered any possible dangers to the safety of the travelling public and concluded that the aforementioned offences under all the circumstances did not cause them concern.