

Present

Councillor S P Dickins
R Kirk

Councillor N A Knapton

LAHP.7 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor R Kirk be elected Chairman for the duration of the meeting.

(Councillor R Kirk in the Chair)

LAHP.8 **EXCLUSION OF THE PUBLIC AND PRESS**

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the item of business at minute no LAHP.9 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LAHP.9 **SUITABILITY OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER**

All Wards

The subject of the decision:

The Director of Law and Governance (Monitoring Officer) asked the Panel to consider whether the licence holder ("D") was a fit and proper person to continue to hold a hackney carriage and private hire driver licence.

Alternative options considered:

The Panel considered the options in paragraph 6.1 of the officer's report but, having concluded that D was not a fit and proper person to hold a hackney carriage and private hire driver licence, the only suitable option was to revoke D's licence with immediate effect.

The Panel was not satisfied that any of the alternative options, including issuing a warning or a suspension, would adequately serve the interests of the public and address the safety concerns raised.

The reason for the decision:

The Panel considered the Director's report, the oral representations of D, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel noted that, on 17 July 2018, D informed the Licensing Team that his DVLA licence had been endorsed in court with 6 penalty points and that he had been disqualified from driving for one month. On 13 August 2018 D gave written notice of the conviction to the Licensing Team and provided a DVLA check code for officers to examine the endorsement. On examination it became evident that D's DVLA licence had previously been endorsed with six penalty points for two speeding offences occurring on 3rd June and 16th August 2017. The offence that led to D's disqualification was for using a vehicle uninsured against third party risk on 20 November 2017.

The Panel noted that, according to the Council's Hackney Carriage and Private Hire Licensing Policy, applicants who have been disqualified from driving will not normally be granted a licence unless they have held a licence for at least 12 months following the expiry of the period of disqualification without receiving any further penalty points. The Panel noted that D was disqualified from driving for one month on 17th July 2018 and therefore only one month had passed following the period of disqualification.

The Panel noted that according to the Policy, licensed drivers with nine or more penalty points endorsed on their driving licence in any rolling three year period will normally have their licence revoked. The Panel noted that D's driving licence had been endorsed with 12 points in the last 14 months.

The Panel also noted that a licence will not normally be granted to an applicant who has been convicted of driving without insurance unless at least three years have passed since the date of conviction. The Panel noted that D's conviction for driving without insurance had occurred within the last two months.

The Panel was satisfied that the Policy applies equally to existing drivers as it does to new applicants in determining suitability. Therefore, if a new applicant would be refused on the basis of their individual circumstances, a revocation would be an appropriate sanction for an existing driver under the exact same circumstances.

D informed the Panel that he had eight years' experience as a taxi driver, seven years working as a private hire driver for another authority and has been licensed as a hackney carriage and private hire driver with the Council since October 2017. D informed the Panel that he had purchased a vehicle for his wife which had no log book and no MOT certificate. D informed the Panel that he had driven the vehicle 0.5 miles to an MOT testing station on 20th November 2017. D told the Panel that he didn't believe he needed insurance to drive the vehicle for these purposes. The Panel was satisfied that a professional driver with D's experience should be aware of the legal requirements to have appropriate insurance in place before driving the vehicle.

The Panel noted that, in accordance with the Council's policy, licensed drivers are expected to comply with all licence conditions and to drive with care and due consideration for other road users and pedestrians. Any failure to comply may raise doubts as to the driver's status as a fit and proper person. The Panel was satisfied that, on 3 June and 16 August 2017, D had failed to drive with care and due consideration for other road users and pedestrians.

The Panel noted that, in accordance with the Policy, each case will be considered on its individual merits and, where the specific circumstances of a case justify a departure from the general guidelines, exceptions can and should be made. The Panel was therefore asked to consider whether or not the specific circumstances of D's case would justify a departure from the general policy.

The Panel concluded that D had failed to meet three of the Policy considerations for driving offences and that D had demonstrated a regular disregard to driving legislation. The Panel was concerned that as an experienced professional driver D should have been aware of the requirement to have in place appropriate insurance and the need to travel within statutory speed limits. The Panel concluded that D's disregard for driving legislation posed a serious risk to public safety and there was no justification for departing from the Council's Policy on this occasion.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence, the Panel was not satisfied that D was a fit and proper person to hold a hackney carriage and private hire driver licence.

The Panel therefore resolved to revoke D's licence for 'any reasonable cause' in accordance with section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

In accordance with section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, the Panel decided to give immediate effect to the decision in the interests of public safety.

The meeting closed at 11.40 am

Chairman of the Panel