

Minutes of the meeting of the LICENSING AND
APPEALS HEARINGS PANEL held at 11.00 am on
Thursday, 22nd November, 2018 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor M A Barningham (in the Chair)

Councillor R A Baker

Councillor S P Dickins

LAHP.21 **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.22 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.22 **RENEWAL OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

All Wards

The subject of the decision:

The Panel was asked to consider whether to grant or refuse an application for the renewal of a hackney carriage and private hire driver licence submitted by the applicant.

Alternative options considered:

The Panel considered the options outlined in the Director's report. The Panel concluded that the applicant was a fit and proper person to continue to hold a hackney carriage and private hire driver's licence subject to being issued with a written warning and therefore none of the alternative options were deemed appropriate.

The reason for the decision:

The Panel considered the Director's report, the application for a hackney carriage and private hire driver licence, the applicant's DVLA licence, the applicant's oral representations and written submissions, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel was informed that the applicant had been licensed since October 2015 and recently applied to renew his licence. The Panel noted that the applicant had disclosed two speeding offences (in September 2017 and August 2018) on his application form. The Panel considered the applicant's DVLA licence and noted the existence of a further speeding offence (September 2015).

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 between 15 September 2015 and

9 August 2018 the applicant was convicted of three separate speeding offences for which he received a total of nine points on his DVLA licence. All nine were valid for the purposes of the DVLA's totting up procedure between 9 August 2018 and 15 September 2018. However, they were not brought to the attention of the Council until October 2018.

According to the applicant's hackney carriage and private hire driver licence conditions, he is required to disclose the details of any conviction or fixed penalty fine as soon as practicable (and in any event within seven days). None of the applicant's offences were disclosed to the Council until the renewal application was submitted in October 2018. The applicant informed the Panel that he was under the misconception that his employer had disclosed the offences to the Council. The Panel noted that the obligation to disclose rests with individual drivers and the Panel was satisfied that the applicant's licence conditions were clearly expressed on the reverse of his paper licence.

The applicant informed the Panel that he had been driving for 50 years and was a very steady and safe driver. The applicant informed the Panel that he mainly drives long distance journeys for his employer taking passengers to airports or as far as the south coast. The applicant explained that in August 2018 he had failed to notice the change in speed limit from a 40mph to 30mph zone on his return from a long journey. The applicant explained in September 2017 he had been unexpectedly delayed by a diversion and subsequently travelled in excess of the 50mph speed limit as he was rushing to collect passengers from Manchester airport.

The applicant was apologetic for his actions and explained that he now used a speed limitation device in his vehicle in order to regulate his speed.

The Panel had concerns that the applicant had accumulated nine points over a rolling three year period and had failed to notify the Council of these offences in accordance with his licence conditions. The Panel concluded that a written warning issued by the Council's Principal Licensing Officer in relation to speed awareness, safe driving and policy requirements would be appropriate under the circumstances. The Panel concluded that the applicant had demonstrated a commitment to ensure that he complies with all motoring laws and council policies in the future. The Panel was therefore satisfied that the applicant remained fit and proper to hold a hackney carriage and private hire driver licence.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence the Panel reached the following conclusions:-

The Panel was satisfied that the applicant was a fit and proper person to continue to hold a hackney carriage and private hire driver licence. Accordingly, the application for renewal was granted subject to a written warning being issued by the Council's Principal Licensing Officer in relation to Policy requirements and the importance of driving safely and complying with speed limits.

The meeting closed at 11.30 am

Chairman of the Panel