

Present

Councillor P Bardon
N A Knapton

Councillor M Taylor

LAHP.5 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor M Taylor be elected Chairman for the duration of the meeting.

(Councillor M Taylor in the Chair)

LAHP.6 **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.7 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.7 **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 it was not necessary to refuse the application.

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, 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 May 2006 and recently applied to renew his licence. The Panel considered the applicant's DVLA driving licence and noted that the applicant received three penalty points for exceeding the speed limit in August 2017 and a further six penalty points for failing to give the identity of the driver in June 2018.

The Panel noted that in accordance with the conditions of his licence the applicant was required to notify the details of any conviction or fixed penalty points as soon as practicable. The applicant failed to inform the Council of the August 2017 conviction, which only came to light in July 2018. The Panel noted that the applicant was subsequently issued with a verbal warning.

The Panel noted that the applicant's speeding conviction from June 2018 conviction did not come to the Council's attention until July 2019. The applicant informed the Panel that he had believed that the verbal warning issued in July 2018 related to both the August 2017 and June 2018 convictions. The Panel noted that this explanation was accepted by officers.

The Panel considered that the applicant had been subject of a complaint in 2014 in relation to his driving manner. At the time the applicant admitted that he may have been driving too close to the complainant's vehicle but denied driving in a dangerous manner and insisted he had remained below the speed limit. The Panel noted that the officer had been satisfied that the appropriate action was to remind the applicant of his obligations on the road.

The Panel observed that, according to the Council's Policy, licensed drivers with nine or more penalty points endorsed on their driving licence in any rolling three year period would normally have their licence revoked. The Panel noted that between August 2017 and June 2018 the applicant received a total of nine penalty points for a speeding offence and failure to give the identity of the driver.

The applicant informed the Panel that, in June 2018, he had failed to respond to the DVLA request for the identity of the driver in relation to a speeding offence within the specified period (two weeks) due to personal circumstances. The applicant told the Panel that at that time his father-in-law died and within the subsequent two weeks he was making arrangements for the funeral and caring for his wife. The applicant confirmed to the Panel that he did return the DVLA form, however, this was after the deadline issued by the DVLA. The applicant told the Panel that had he returned the information on time he would have been issued with three points in respect of the speeding offence. The applicant was apologetic for his actions and explained that his late reply to the DVLA was not a deliberate act to disengage with the appropriate authority but as a result of his personal circumstances.

The Panel had concerns that the applicant had accumulated nine points over a rolling three year period. The Panel was satisfied that the applicant had nothing to gain from failing to notify the DVLA within the prescribed time limits. The Panel noted that the oversight resulted in the applicant receiving six penalty points for the failure to notify (as opposed to three points for speeding) and, ultimately, this was the reason for the application being referred to the Panel. 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's circumstances surrounding the incident in June 2018 justified a departure from the Council's policy. 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 10.10 am

Chairman of the Panel