

Minutes of the meeting of the LICENSING AND APPEALS HEARINGS PANEL held at 12.30 pm 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 Dickens

LAHP.23 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.24 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.24 RENEWAL OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE

All Wards

The applicant was not in attendance at the hearing. The Panel was informed that the applicant had been notified by letter of the time and date of the hearing at which his application would be considered. The Panel was also informed by the Council's Principal Licensing Officer that he had spoken with the applicant about the hearing and the applicant was aware of the date. The applicant had not given any indication to officers whether he would attend the hearing, nor had he sought an adjournment.

The Panel concluded that the hearing could proceed in the applicant's absence as the applicant had been given an opportunity to attend and a delay would not be in the public interest.

The subject of the decision:

The Panel was asked to consider whether to grant or refuse an application for a 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 and as it was not satisfied that the applicant was a fit and proper person to hold a hackney carriage and private hire driver's licence, the application could not be granted.

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 Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel was informed that the applicant had been licensed since November 2015 and recently applied to renew his licence. The Panel noted that on the applicant's renewal application form he disclosed the details of two speeding offences (one from October 2016 and one from May 2017). The Panel considered the applicant's DVLA licence and noted the existence of two further speeding offences (one from April 2015 and one from May 2015). The Panel noted that the offences in 2015 have expired for the purposes of the DVLA's totting up procedure.

The Panel noted 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 will normally have their licence revoked. The Panel noted that between April 2015 and May 2017 the applicant received a total of 12 penalty points for four separate speeding offences. However, they did not come to the attention of the Council until October 2018.

The Panel noted that according to the applicant's 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). The offences in October 2016 and May 2017 were not disclosed to the Council until the renewal application was submitted in October 2018. The Panel noted that the obligation to disclose offences rests with individual drivers and failure to do so is breach of their licence conditions.

The Panel also noted that the applicant had been subject to a written warning in 2016 for failing to display his driver's badge, contrary to his licence conditions.

The Panel had serious concerns that the applicant had received 12 points for four separate speeding offences in approximately two years and therefore demonstrated a reoccurring disregard to statutory speed limits and road safety. The Panel noted that, despite receiving a written warning following a failure to adhere to his licence conditions, the applicant had failed to disclose the offences as required by the Council's Policy. The Panel therefore concluded that the applicant demonstrated that he had little regard to his licence conditions.

THE DECISION:

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

The Panel was not satisfied that the applicant was a fit and proper person to hold a hackney carriage and private hire driver licence and the application was refused.

The meeting closed at 12.45 pm

Chairman of the Panel