

Minutes of the meeting of the LICENSING AND
APPEALS HEARINGS PANEL held at 11.45 am on
Tuesday, 5th February, 2019 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor M A Barningham (in the Chair)

Councillor N A Knapton

Councillor A Wake

LAHP.28 **EXCLUSION OF THE PUBLIC AND PRESS**

All Wards

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.29 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.29 **CONDUCT 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 Director'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.

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 was informed that D had been a licensed driver since October 2017 and had recently disclosed a speeding offence. The Panel considered D's DVLA licence and noted three speeding offences (from November 2016, February 2018 and October 2018).

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 would normally have their licence revoked. The Panel noted that D's driving licence had been endorsed with 9 points in 23 months.

The Panel was satisfied that the Policy applied equally to existing drivers as it did 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 exceeded the statutory speed limit by travelling at 34 mph in a 30mph zone, 55mph in a 50 mph zone and 77mph in 70mph zone. The Panel was informed that D had no other complaints against him. D told the Panel that he had not received penalty points for dangerous driving or for failing to drive with due care and attention. D told the Panel that he employed 20 people in the licensing trade. D informed the Panel that he regretted the offences, however, only one offence occurred whilst in his licensed vehicle. D also told the Panel that he exercised more care when transporting passengers in his licensed vehicle, that he had only been involved in one driving related accident which was not his fault.

The Panel noted that, in accordance with paragraph 1.7 of Annex A of the Council's Policy, any behaviour that puts any member of the public at risk would be considered relevant and an offence was no less serious simply by virtue of the fact that it was committed away from licensed vehicles or at a time when no passengers were aboard.

The Panel had serious concerns that the applicant had received nine points for three separate speeding offences in less than two years and therefore demonstrated a reoccurring disregard to statutory speed limits and road safety.

The Panel was concerned that as an experienced professional driver D should have been aware of 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.

The meeting closed at 12.10 pm

Chairman of the Panel