

Minutes of the meeting of the Licensing and Appeals Hearings Panel held at 9.30 am on Friday, 17th September, 2021 at Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

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Present

Councillor R Kirk (in the Chair)

Councillor D B Elders

Councillor J Noone

Also in Attendance

Councillor C A Dickinson

**LAHP.11 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.12 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.12 Application for a Hackney Carriage and Private Hire Driver Licence**

All Wards

**The subject of the decision:**

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

**Alternative options considered:**

The Panel considered the options outlined in paragraph 5.1 of the Director's report. Having concluded that D was a fit and proper person to hold a hackney carriage and private hire driver's licence subject to a 12-month expiry, the Panel was satisfied that it was not necessary to refuse the application.

**The reason for the decision:**

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

The Panel noted that, on 5 February 2019, D's licence was revoked by the Council's Licensing and Appeals Hearings Panel after he accumulated nine penalty points on his DVLA driving licence for three separate speeding offences between November 2016 and October 2018.

The Panel noted that, in accordance with the Council's Hackney Carriage and Private Hire Licensing Policy, applicants and licensed drivers with nine or more penalty points endorsed on their driving licence would not normally be granted a licence until at least three years have elapsed from the date of the last offence.

D informed the Panel that he acknowledged the need to change his driving habits in the interests of public safety. D indicated that, following the revocation of his hackney carriage and private hire driver licence, he undertook training in speed awareness along with a range of other aspects of professional driving competence. D informed the Panel that he had learnt from his previous mistakes and had subsequently implemented a number of safety measures for all of the drivers and vehicles in his service.

The Panel noted that any driver's disregard for statutory speed limits puts the public at significant risk and, due to the nature of their work, hackney carriage and private hire drivers are expected to drive with extra care and consideration for other road users and pedestrians.

The Panel was satisfied that D acknowledged the seriousness of his previous offences and the Panel was pleased that D had taken positive steps to ensure that he drives within the statutory speed limits in order to reduce the risk to public safety in future. The Panel also noted that D had not received any further DVLA endorsements since his hackney carriage and private hire driver licence was revoked.

The Panel concluded on the balance of probability that D was a fit and proper person to hold a hackney carriage and private hire driver licence. However, the Panel was satisfied that the specific circumstances of the case would require close scrutiny of D's driving record and therefore it resolved to grant a licence for a period of 12 months (as opposed to the standard duration of three years), at which point, D's record could be further examined on renewal.

The Panel noted that the Council's policy establishes the minimum standards in considering whether a licence should be granted in most cases. In accordance with the policy, D would not normally be granted a licence before 2 October 2021 (three years from the date of the last offence).

Whilst the Panel acknowledged its obligation to consider D's application on its individual merits, and its discretion to depart from the policy where the specific circumstances justify taking such an approach, it was not satisfied that making an exception would be appropriate in this instance. The Panel was satisfied that the minimum standards contained within the policy place passenger safety as the priority while enabling previous offenders to sufficiently evidence their rehabilitation. On that basis, the Panel concluded that D's licence should be granted with effect from 3 October 2021.

**The decision:**

Taking account of the above and having given appropriate weight to the evidence, the Panel was satisfied that D was a fit and proper person to hold a hackney carriage and private hire driver licence.

The Panel therefore resolved to grant a 12-month licence with effect from 3 October 2021.

The meeting closed at 10.25 am

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Chairman of the Panel