

Minutes of the meeting of the Licensing and Appeals Hearings Panel held at 11.00 am on Tuesday, 1st February, 2022 at Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor R Kirk (in the Chair)

Councillor P Bardon

Councillor J Noone

LAHP.17 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.18 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.18 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 officer’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 with immediate effect in the interests of public safety.

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 officer’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 the licensing team received a complaint on 11th January 2022 alleging that D's licensed hackney carriage vehicle had collided with another vehicle and failed to stop. According to the investigating officer's report of the incident, after initially denying that the vehicle had sustained any damage, D presented his vehicle for inspection at the Council offices. At this time, the inspecting officer observed significant damage to the vehicle and the hackney carriage vehicle licence was subsequently suspended with immediate effect.

When asked by the Panel why he had not stopped after colliding with another vehicle, D said that he was disappointed in himself and just panicked. The Panel noted that it is an offence under the Road Traffic Act 1988 to fail to stop following an accident or collision but acknowledged that there was no information to indicate that a criminal investigation had been initiated. In any case, the Panel was extremely concerned that D had caused damage to another vehicle and failed to stop.

The Panel was also concerned about D's claims that the vehicle was not damaged. When asked why he had made these claims, D informed the Panel that the damage observed during the inspection was actually sustained in a separate incident when D hit a concrete post a few days earlier. D confirmed that he had not reported this separate incident to the licensing team or his insurance company and he had not made any arrangements to repair the vehicle. The Panel noted that, in accordance with the Council's policy and D's hackney carriage vehicle licence conditions, any such damage would need to be reported to the Council within 72 hours of its occurrence. The Panel was satisfied that D was aware of his responsibilities in this regard and had failed to comply.

The Panel was informed of a further incident involving D in November 2019. According to a police report, a pedestrian was struck by a vehicle being driven by D. D informed the Panel that he had assisted the pedestrian to her feet but admitted that he failed to remain at the scene and that he failed to report the matter to the police, the licensing team or his insurance company. According to information received from North Yorkshire Police in relation to this incident, D was convicted of driving without due care and attention in March 2021. The Panel noted that, due to delays caused by the pandemic, the court hearing was not held until 16 months after the incident and the Council was not informed of the conviction until further enquiries were made ahead of this hearing. The Panel noted that the Council's policy at the time of D's conviction required him to disclose details of the offence within 7 days of the conviction. Again, the Panel was satisfied that D ought to have been aware of his responsibilities in this regard and failed to comply.

The Panel concluded that:

- On 23rd November 2019, D was driving without due care and attention, failed to remain at the scene of an accident and failed to report the incident to the police or the Council;

- In March 2021, D failed to disclose the details of his conviction to the Council within 7 days in accordance with the Council's Hackney Carriage and Private Hire Licensing Policy and D's licence conditions at that time;
- At some point in early January 2022 (according to D's own evidence), D failed to report accident damage to the Council within 72 hours in accordance with section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy. D also used the damaged vehicle for a number of days until it came to the attention of the licensing team and the vehicle licence was subsequently suspended;
- On 11th January 2022, D failed to stop following a collision and failed to report the incident to the police.

The Panel was satisfied that D had repeatedly demonstrated a distinct lack of regard for his legal and moral obligations.

The Panel also found on the balance of probability that D had attempted to mislead the investigating officer; first by indicating that he was too unwell to bring his vehicle to the Council office for inspection (despite carrying out a school run in his taxi at that time) and then by insisting that the vehicle was not damaged.

The Panel acknowledged the Council's responsibility to ensure that all licensed drivers are safe drivers with good driving records and understood that appropriate action should be taken where necessary to safeguard the interests of the public.

The Panel was extremely concerned about D's driving conduct, his failure to comply with his obligations as a licensed driver and his reliability to provide an accurate account of any incidents. The Panel concluded that D was not a fit and proper person to continue to hold a hackney carriage and private hire driver's licence. In light of the injury or damage sustained on at least three separate occasions between November 2019 and January 2022 (each prompting an inappropriate reaction from D), the Panel was satisfied that D posed a significant risk to public safety.

The decision:

The Panel resolved to revoke D's licence for 'any reasonable cause' in accordance with section 61 of the Local Government (Miscellaneous Provisions) Act 1976. In accordance with section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, the Panel decided to give immediate effect to the decision in the interests of public safety.

The meeting closed at 11.47 am

Chairman of the Panel