

# Public Document Pack

Subject to approval at the next Licensing Sub-Committee meeting

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## LICENSING SUB-COMMITTEE

14 January 2022 at 9.30 am

Present: Councillors Blanchard-Cooper (Chair), Gregory and Kelly

Officers in attendance were:

Caroline Perry – Interim Legal Services Manager

Sarah Meeten – Licensing Manager

Glenn James – Licensing Officer

Jane Fulton – Committee Services Manager

Andrew Bishop – Committee Services Officer

1. ELECTION OF CHAIR

Councillor Blanchard-Cooper was elected Chair for the meeting.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. EXEMPT INFORMATION

The Sub-Committee

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the items.

4. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE - EXEMPT PARAGRAPH 1 OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972

The Sub-Committee received a report from the Licensing Officer which set out the detail of an application for a hackney carriage/private hire driver licence from an applicant with a previous relevant conviction.

The Sub-Committee was advised that this application had been considered at the last meeting of the Sub-Committee held on 3 December 2021 but had been deferred so that further information could be obtained from another local authority that the applicant had confirmed at that meeting that he had held a licence with.

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The Licensing Officer confirmed that due to the nature of the conviction and driving offence, in line with Council Policy, this deferred application had to be considered by this Sub-Committee.

The Sub-Committee was also advised of an amendment that needed to be made to the report before it. This was to correct an error around the nature of a driving offence set out in Paragraph 1.7 of the report.

The Licensing Officer also referred to the supplement pack that had been circulated to Members separately to the agenda. A Data Protection Act information request has been made to the authority that the applicant had previously worked for. The response to the request confirmed the type of license that the applicant had held with that authority and the dates covered. The Licensing Officer worked through the detail of the response received and reported that the applicant had had an application for a private hire driver licence refused from that authority in 2019 and that this had not been declared on the applicant's application to this Council. The reasons for this refusal were explained to the Sub-Committee.

The applicant was in attendance and provided detail around his application that had been refused by the other authority and that there had been various administrative errors made by that authority that had led to the application being refused.

The Sub-Committee had no questions to ask the applicant. The Licensing Officer asked questions of the applicant seeking confirmation as to whether he was applying for a private hire driver licence, hackney carriage licence or operator licence. It was confirmed that a private hire licence was being requested.

All parties left the room to enable the Sub-Committee to consider the matter.

All parties were then recalled being advised of the Sub-Committee's decision.

The Chair confirmed that the Sub-Committee had worked through the applicant's application very thoroughly and had taken on board the applicant's statement and questions asked and responses provided. The Sub-Committee had concern that the applicant had not declared on his application form that he had had an application for a private hire licence refused by another authority. Such an omission normally provided grounds to instantly refuse an application, but having taken on board all of the evidence provided by the applicant and having applied the application to Paragraph 34 of the Council's Hackney Carriage and Private Hire Licensing Policy and Handbook (the Policy) and the provisions of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, the Sub-Committee confirmed its decision which was to grant the licence, subject to a new DBS check with no conviction other than those stated, knowledge test, medical and driving assessment, being completed to the satisfaction of Officers. That Officers would reject the application if other conviction were found.

The Interim Legal Services Manager reminded the applicant that for any other licence applications that he may submit in the future, it was imperative that section 7 of the application be fully completed, in line with Paragraph 41 of the Policy as it was an offence to make a false declaration or statement.

The Sub-Committee therefore

RESOLVED

To grant the licence, subject to a new DBS check with no conviction other than those stated, knowledge test, medical and driving assessment, being completed to the satisfaction of Officers. That Officers would reject the application if other conviction were found.

5. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE - EXEMPT PARAGRAPH 1 OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972

The Sub-Committee received a report from the Licensing Officer which set out the detail of an application for a hackney carriage/private hire driver licence from an applicant with previous relevant convictions.

It was explained that the applicant wished to renew his licence and that he had been a licensed driver with this authority since 2012.

The Licensing Officer informed the Sub-Committee that the applicant had been banned from driving in 2021 for a period of six months under the totting up provisions. The Licensing Officer provided detail of each of the offences received.

Due to the nature of the offences and Council Policy, the application had to be presented to this Sub-Committee for consideration.

The Licensing Officer informed the Sub-Committee that under the legislation part of the report before Members, this application had to be made in line with Local Government (Miscellaneous Provisions) Act 1976, Section 51, yet the determination of this application had to be made under Section 61 of this Act, and a copy of this part of the legislation was circulated to all present at the meeting.

The applicant was in attendance and provided a statement confirming how he had regretted his actions and in assessing the risk associated with them, he had learnt from his actions and was ashamed and embarrassed that he had jeopardised the safety of others and his career. This was time for him to reflect and he provided assurance that this would not happen again and that he posed no risk or harm to anyone.

The Sub-Committee had no questions to ask the applicant

All parties left the room to enable the Sub-Committee to consider the matter.

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All parties were then recalled being advised of the Sub-Committee's decision.

The Chair confirmed that the Sub-Committee had fully considered the application and had decided to refuse the application. The full reasons for refusal were confirmed by the Interim Legal Services Manager.

It was confirmed that the Sub-Committee's overriding concern was to protect public safety. Hackney Carriage and Private Hire Drivers were professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrated a lack of professionalism and was considered very seriously. It was accepted that offences could be committed unintentionally, and single occurrence of a minor traffic offence might result in action against an existing licence. However, in this case, there had been four incidents of speeding from December 2019 resulting in disqualification imposed on 3 September 2021 for a period of 6 months. This reinforced the Sub-Committee's view that the applicant did not take his professional responsibilities seriously and was therefore not a fit and proper person to retain a licence.

This decision would be sent to the applicant within fourteen days of this meeting. The applicant was advised that he had the right to appeal this decision to the Magistrates Court within twenty one days of receiving this decision.

The Sub-Committee therefore

#### RESOLVED

To refuse the application as the Sub-Committee's overriding concern was to protect public safety. Hackney Carriage and Private Hire Drivers were professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrated a lack of professionalism and was considered very seriously. It was accepted that offences could be committed unintentionally, and single occurrence of a minor traffic offence might result in action against an existing licence. However, in this case, there had been four incidents of speeding from December 2019 resulting in disqualification imposed on 3 September 2021 for a period of 6 months. This reinforced the Sub-Committee's view that you do not take your professional responsibilities seriously and are therefore not a fit and proper person to retain a licence.

6. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE - EXEMPT PARAGRAPH 1 OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972

The Sub-Committee received a report from the Licensing Officer which set out the detail of an application for a hackney carriage/private hire driver licence from an applicant with previous relevant convictions.

The Sub-Committee was advised that this application had been considered at the last meeting of the Sub-Committee held on 3 December 2021 but had been deferred so that further information could be obtained from other authorities that the applicant had confirmed at that meeting that he had held and continued to hold a licence with. The Licensing Officer referred Members to Appendix A of the report which set out the results of a Data request which confirmed that no issues had been experienced with the applicant.

Due to the nature of the offences and Council Policy, the application had to be presented to this Sub-Committee for consideration. The applicant had been requested to provide a Disclosure and Barring Service (DBS) certificate and this had established that there were no other convictions.

The applicant was in attendance and explained the circumstances of the offences which he very much regretted and he provided full detail of his current employment as a hackney carriage/private hire driver with another authority and taxi company. Following questions from Members, all parties then left the room to enable the Sub-Committee to consider the matter.

All parties were then recalled being advised of the Sub-Committee's decision.

The Chair confirmed that under Paragraph 62 of the Council's Licensing Policy, it would be usual to give a strict warning with regards to the convictions that the applicant had, with the youngest of these convictions having taken place 25 years ago. Having considered all the evidence and the statement from the applicant and having applied the Fit and Proper Person test it was felt that this need did not apply in this case. The Chair confirmed that the Sub-Committee had determined to grant the licence, subject to a knowledge test, medical and driving assessment being completed to the satisfaction of Officers.

The Sub-Committee

RESOLVED

To grant the licence, subject to a knowledge test medical and driving assessment being completed to the satisfaction of Officers.

(The meeting concluded at 11.25 am)

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