

MINUTES of a meeting of the HACKNEY CARRIAGE AND PRIVATE HIRE GROUP held in the Board Room on WEDNESDAY, 21 JULY 2004

Present: Councillor P Hyde (Chairman) (In the Chair)

Councillors J G Coxon, R A Evans and D Howe.

Officers: Miss E Warhurst, Miss M Lister and Ms S Hooper

Apologies: Councillor J B Webster

There were no declarations of personal or prejudicial interests.

**162. ELECTION OF CHAIRMAN**

RESOLVED:

That Councillor P A Hyde be elected Chairman of the Hackney Carriage and Private Hire Group for the municipal year.

**163. APPOINTMENT OF DEPUTY CHAIRMAN**

RESOLVED:

That Councillor R A Evans be appointed Deputy Chairman of the Hackney Carriage and Private Hire Group for the municipal year.

**164. MINUTES**

... Consideration was given to the minutes of the meetings held on 24 February 2004 and 1 April 2004 (copies previously circulated and retained with the official copy of the minutes).

RESOLVED:

That the minutes of the Hackney Carriage and Private Hire Group held on 24 February 2004 and 1 April 2004 be approved as a correct record.

**165. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED:

That in pursuance of Section 100A (4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 4 of Schedule 12A to the Act.

**166.\*\* APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE (PHD0736)**

The applicant was accompanied by his potential employer. Both had had sight of the procedure laid down for consideration of hackney carriage and private hire driver applications.

Chairman's initials

The Senior Licensing Officer explained the reasons why the application had been brought before the committee. Several copy papers were circulated in support of the case, namely:

1. The minutes of the Hackney Carriage and Private Hire Group on 20 November 2003 and the minutes of the Service Appeals Sub Group meeting held on 14 September 1999.
2. A copy of the application form for a private hire drivers licence.
3. A copy of the applicant's DVLA counterpart driving licence.
4. A copy of the applicant's Criminal Records Bureau (CRB) enhanced disclosure document.
5. Guidelines to the Council's policy relating to the relevance of convictions to applications for hackney carriage or private hire vehicle drivers licences.
6. Notes of an interview between the applicant, his potential employer and officers on Friday, 2 July 2004 and
7. A photocopy of section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

The Senior Licensing Officer explained the background to the application and members were being asked to consider whether the applicant was fit and proper to be granted a private hire driver's licence. In the presentation of the background information the Senior Licensing Officer referred to the applicant's conviction details and she reminded members of the important public safety responsibility placed on hackney carriage and private hire drivers.

The Senior Licensing Officer drew members' attention to section 51 of the 1976 Act which made it clear that an applicant must be fit and proper to be granted a private hire driver's licence. She outlined the methods used by the District Council to make their assessment of an applicant's fitness, which included:

- (a) A CRB check. Officers then make a judgement about the person's suitability to hold a licence taking into account the offences and the relevance of convictions against the Council's guidelines which are adapted from the Department of Transport and Home Office Guidelines issued in 1992.
- (b) Check of DVLA licence. The applicant's current DVLA driving licence showed one endorsement for using a vehicle with a defective tyre (CU30) in February 2002. However members noted from the minutes of the Service Appeals Sub Group meeting on 14 September 1999 that he was convicted in June 1998 for using a vehicle uninsured against third party risks.
- (c) A medical certificate every three years confirming that the applicant meets the national medical standards to hold a Group 2 driving licence. The applicant had provided a satisfactory medical certificate.

Chairman's initials

After presenting all the facts to members of the group, the Senior Licensing Officer asked them to consider whether the applicant was fit and proper to be granted a private hire driver's licence.

There were no questions to the Senior Licensing Officer from the applicant.

The applicant and his representative then gave details in respect of the applicant's case.

The applicant stated that the convictions had been in the past and he regretted his actions. The offence had been a mistake and he would like the District Council to give him a chance to prove that he was fit and proper to be a private hire driver.

The applicant's representative added that the applicant regretted what had happened with regard to the assault on the 15 year old. He had warned her not to go into his garden on several occasions. When she then entered his garden one afternoon he lost his temper and slapped her which he should not have done. The representative added that the applicant regretted the offence but wanted to carry on with his life and raise his family. He was a good and honest worker. At this point the applicant produced two references. One from a neighbour who was a Justice of the Peace and another from his current manager at a part time job at a restaurant.

The Senior Licensing Officer questioned the applicant and his representative. She agreed with the applicant that on 2 July 2004 the conviction was discussed with him and that he had agreed with a written copy of the interview. In part of the interview the applicant had mentioned the assault as a tap on the back and not a slap as suggested by his representative.

The applicant reiterated that it was only a tap and that when the police were called they pressed charges on the aggrieved's evidence. She had said he slapped her. He was found guilty when the court accepted her statement of events.

There were no further questions from the Senior Licensing Officer.

The members of the committee then had the opportunity to question the applicant and his representative.

The applicant informed the group that the blow was really only with the tips of his fingers and his palm. It was pointed out that he had two previous convictions for no insurance and assault. The applicant's representative was asked if he would maintain and insure the car. This was confirmed. The applicant added that he was currently employed as a fork lift truck driver but it was agency work and concluded on Wednesday, 21 July 2004. He still worked at a restaurant but intended to resign if a licence was granted to him. Private hire driving would be a full time job.

There were no further questions from members of the group.

The Senior Licensing Officer was given the opportunity for any closing remarks to be made.

No further remarks were made.

Chairman's initials

The applicant and his representative were also given an opportunity to make any closing remarks. The applicant apologised for his convictions and stated that he had made mistakes and he asked the group to exercise its discretion and give him a chance to be a licensed private hire driver.

The applicant, his representative and the Senior Licensing Officer left the meeting at 6.42pm whilst the group deliberated.

At 7.10pm the parties were invited to return to the room.

RESOLVED:

That the applicant be granted a private hire driver's licence with effect from Wednesday, 21 July 2004 on the grounds that members were satisfied that the applicant was a fit and proper person to hold a driver's licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

After reaching their decision the Hackney Carriage and Private Hire Group reminded the applicant that the licence was subject to continual review and the Chairman stated that the group did not expect to see the applicant summoned to appear before them at any time in the future.

The meeting terminated at 7.25pm.

Min755cp

Chairman's initials