

MINUTES of a meeting of the TAXI AND PRIVATE HIRE SUB COMMITTEE held in the Council Chamber, Council Offices, Coalville on FRIDAY, 7 JUNE 2019

Councillors J Clarke, T Eynon and S Sheahan

Officers: Mrs L Arnold, Mrs C Hammond and Mr M Pickering

1 ELECTION OF CHAIRMAN

It was moved by Councillor S Sheahan, seconded by Councillor J Clarke and

RESOLVED THAT:

Councillor T Eynon take the chair for the remainder of the meeting.

2 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

3 DECLARATIONS OF INTEREST

No interests were declared.

4 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 involved the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A to the Act, and in the circumstances of the matter under consideration, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

5 APPLICATION FOR THE RENEWAL OF A DUAL HIRE DRIVER'S LICENCE

The Chairman introduced the parties and outlined the procedure to be followed. It was clarified that Mr D Underwood was present as the licensed driver's representative.

The Hearing Regulations 2005 stated that the Authority must allow parties an equal period of time in which to present their evidence. It was agreed that the maximum time limit for each presentation be 10 minutes.

The Licensing Enforcement Officer presented the report, which asked members to determine whether the application for a renewal of a dual hire driver's licence should be granted. The Licensing Enforcement Officer highlighted the relevant background information as set out in the report. He noted to members that the driver had been written to on two separate occasions reminding him that he was required to disclose penalty points to the Council, that six or more DVLA penalty points received during a three year period would result in the need to sit a driving assessment and that three driving assessments within a ten year period would result in a sub-committee.

In response to questions from Councillor S Sheahan, the Licensing Enforcement Officer advised that he could not say if two points per year was typical for drivers, however twenty-seven points was the most that he was aware of for any driver. He added that it was also the first time in the lifetime of the policy that a driver had to attend a Sub-

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Committee hearing for requiring three driving assessments within a 10-year period. This was unique.

In response to questions from Councillor T Eynon, the Licensing Enforcement Officer outlined the policy for the requirement of drivers to notify the council of any points, at what stages the council requests information in relation to convictions and he reiterated that the driver had been notified and reminded in both person and in writing the need to advise the council should he receive any further penalty points.

In response to a question from Councillor J Clarke, the Licensing Enforcement Officer advised that he was not aware that the driver had signed the policy to confirm that he had understood the requirements.

The Legal Advisor informed the members that the driver had held a licence for a long time and that the policy would have been brought in later, therefore there may not have been a requirement to have the policy signed at the time the driver initially obtained his licence.

The licensed driver addressed the members. He put forward his case against the offences that had been listed in the report. He advised the sub-committee that he had not smoked since September 2018, that, from his own pocket he had reimbursed the passenger who had complained that they had been overcharged and that he only ever used his phone via a hands free kit when driving. He informed the members that the speeding fines had only been when he was on his own, without customers and that on one occasion he had just received some distressing family news that had caused a lack of concentration.

In response to questions from Councillor S Sheahan, the licensed driver advised members that he was aware of the need to report penalty points since 2016 however; he had not received the letter in 2011. He informed the sub-committee that on the first occasion, he forgot to notify the council and that on the second occasion was when he was dealing with family problems.

Councillor J Clarke expressed concerns that it was easy enough to say that he had not received a letter over nine years ago and that it did not make a difference if a driver had passengers in a car or not, speeding was still breaking the law. In response to questions from Councillor J Clarke, the licensed driver advised that he had notified his insurance company but not Yellow Cabs of his points and that the requirement to retake the driving assessment had changed his attitude towards driving.

In response to concerns raised by Councillor T Eynon, the licensed driver advised that he would now concentrate on his speed and his driving rather than getting distracted.

In relation to questions from the Licensing Enforcement Officer, the licensed driver advised that there were no new driving convictions to notify the council about and that he was not aware of advanced driving courses that could be taken, however he was not currently in a position to take any further courses as, not being able to drive meant that he was not bringing in a wage.

The Licensing Enforcement Officer made a brief closing statement. He reiterated the comments that he had made earlier in his presentation and he reminded members that they were being asked to consider whether the driver in front of them was a fit and proper person, adding that any factors could be taken into consideration no matter how old.

The licensed driver had nothing further to add.

Mr D Underwood, Operator, addressed the committee. He advised that the driver had been with the firm for 14 years and that during the time the driver had not had any serious accidents, there had only been a couple of complaints and that the driver had a very good

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standard of car. Mr D Underwood stated that the driver carried out work under the social services contract that the firm had and parents regularly requested the driver. He informed the Committee that the firm employed a member of staff to assist with driver's paperwork, to ensure licenses were renewed and that following on from the issues before them the firm would amend their policy to ensure that all drivers reported any points received to them to ensure that the Local Authority was notified within the correct time period.

At 3.12pm, the Sub Committee adjourned to consider its decision. The Sub Committee reconvened at 3.33pm.

Councillor T Eynon advised the licensed driver that the application had been granted subject to strict warnings. In reaching its decision members had carefully considered; the contents of the committee report, representations made by the applicant and the presentation given by the licensing enforcement officer. They had also listened to comments made by Mr D Underwood (Operator).

RESOLVED THAT:

The application for the renewal of a dual hire driver's licence be granted subject to strict warnings as to future conduct:-

- ♦ The first warning is that if the driver received any more points on his licence and failed to notify NWLDC in accordance with the policy then officers should make a delegated decision to revoke the licence
- ♦ The second warning was that if the driver received six more penalty points between the date of the sub-committee and February 2020 then officers should make a delegated decision to revoke the licence

Finally, the sub-committee required the driver, within 4 weeks, to meet with licensing officers to go through NWLDC's policies to ensure he understood the terms and requested that he should sign them to confirm that he understood.

The meeting commenced at 2.30 pm

The Chairman closed the meeting at 3.36 pm

Chairman's signature