

MINUTES of a meeting of the TAXI AND PRIVATE HIRE SUB COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 14 AUGUST 2019

Councillors J Clarke, D Everitt and K Merrie MBE

Officers: Mrs L Arnold, Mr P Dennis and Mrs R Wallace

The applicant was in attendance.

6 ELECTION OF CHAIRMAN

It was moved by Councillor K Merrie, seconded by Councillor D Everitt and

RESOLVED THAT:

Councillor J Clarke take the chair for the remainder of the meeting.

7 APOLOGIES FOR ABSENCE

There were no apologies for absence.

8 DECLARATIONS OF INTEREST

There were no declarations of interests.

9 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.

10 APPLICATION FOR THE RENEWAL OF A DUAL DRIVER'S LICENCE

The Chairman introduced the parties and outlined the procedure to be followed.

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.

In response to a question from Councillor K Merrie, the Licensing Enforcement Officer explained that a driver did not have to declare any driving licence penalty points that were going through an appeal process. However, if an appeal was unsuccessful, they would need to be reported immediately.

The applicant addressed the meeting. He explained that he had informed the Licensing Enforcement Officer about the additional six penalty points by hand delivering a letter in a brown envelope and leaving it at reception in the council offices. He stated that he had asked his employer to email confirmation to the offence. The applicant disputed the

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statement within paragraph 2.3 of the report, which stated that he was aware of the required 'blue lamp' driving test as part of his licence conditions in relation to an accumulation of points. He clarified that he was aware of the licence conditions but not of the 'blue lamp' driving test. Councillor J Clarke referred the applicant to the interview notes at appendix 2 of the report.

In response to a question from Councillor J Clarke, the applicant stated that he was not expecting a response from officers following the delivery of his letter and therefore assumed it had been received.

In response to a number of questions from Councillor K Merrie, the applicant confirmed that he had delivered his letter sometime during October, at approximately 3pm to a female member of staff at reception.

In response to a request for information on the events that led to the late payment of fees, failure to attend depot tests and interviews that occurred earlier in the year, the applicant felt that the matter had already been dealt with at the previous hearing in January. After further discussion, the applicant clarified that he was working night shifts at the time and found it difficult to attend appointments in the morning. He added that following the warnings he had not been late for any appointments.

Councillor J Clarke asked the applicant why he had failed to tell the committee in January about the additional six penalty points. The applicant explained that he believed Members were already aware, as he had delivered a letter regarding the penalty points. Councillor J Clarke commented that it was clear members were not aware, as there was no mention of the additional points in the report or by the Licensing Enforcement Officer during the meeting.

Councillor D Everitt asked if the applicant's employer had discussed his behaviour and punctuality with him. The applicant stated that his employer had discussed these matters with him and had agreed to inform the Council of his penalty points. Councillor D Everitt commented that hiding information was not acceptable and an apology was always helpful in these situations, he did not feel that the applicant was receiving the best advice as he continuously made the wrong decisions.

The Licensing Enforcement Officer gave a brief closing statement, summarising points made during the hearing.

The applicant refused the opportunity to give a closing statement.

At 5.05pm the Sub Committee adjourned to consider its decision. The meeting reconvened at 5.13pm.

RESOLVED THAT:

The application for a Dual Hire Driver's Licence be refused.

In reaching its decision Members had carefully considered the contents of the committee report and the representations made during the meeting

Members had regard to all the circumstances of the case and in particular the following matters:

- a) The test of fitness and propriety of a person to be licensed as a hackney carriage and private hire driver, the Byelaws and the Code of Conduct and having further regard to the case of McCool v Rushcliffe BC

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- b) The applicant's demeanour, appearance and behaviour when spoken to by officers and when you appeared before this sub committee
- c) The decision of the sub-committee in January 2019 at Appendix 3, and
- d) The Council's fit and proper person policy at Appendix 5 of the committee report.

The public rely on members of the Licensing Sub-Committee to ensure that taxi drivers are fit and proper persons who they can trust to take them about their business safely. Members had listened carefully to the applicant's explanation of the events that have led to this sub- committee, and to the evidence contained within the committee report.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.16 pm

Chairman's signature