

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 9 FEBRUARY 2023

Present: Councillor Woodward (Chair); Carnell and Cresswell

12. EXCLUSION OF PRESS AND PUBLIC

Resolved -

That, pursuant to Section 100A of the Local Government Act 1972 (as amended), members of the press and public be excluded during consideration of the following item of business as it was likely that there would be disclosures of exempt information as defined in paragraphs 1, 2, 3 and 5 specified in Part 1 of Schedule 12A (as amended) to that Act.

13. AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE, GRANT FOR A PRIVATE HIRE OPERATORS LICENCE AND AN APPEAL AGAINST THE ALLOCATION OF PENALTY POINTS ISSUED AGAINST A PRIVATE HIRE VEHICLE DRIVER'S LICENCE.

The Executive Director of Economic Growth and Neighbourhood Services submitted a report asking the Sub-Committee to consider an appeal against the allocation of penalty points issued against a Private Hire Vehicle Driver's Licence, an application for the grant of Private Hire Vehicle Driver's Licence and an application for a Private Hire Operator Licence.

A summary of the circumstances of the cases was appended to the report.

DA was present at the meeting, addressed the Sub-Committee and responded to questions.

SH was not present and had not provided the Sub-Committee with a reason for their absence. The Sub-Committee therefore agreed to hear the appeal against the allocation of penalty points in SH's absence.

Resolved -

- (1) That the application by DA for the grant of a Private Hire Vehicle Driver's Licence be refused on the grounds that the Sub-Committee did not consider him to be a fit and proper person to hold such a licence by reason of:
 - (a) Concerns over public safety. During the hearing the Sub-Committee heard from the applicant that he had been involved in an accident in his vehicle which had resulted in him receiving a careless driving conviction and 8 points on his DVLA driving licence. The Sub-Committee were further concerned that at the time of the accident a passenger had also been in the vehicle and that it appeared that the vehicle was being driven without a valid Private Hire Vehicle Driver's Licence;

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 9 FEBRUARY 2023

- (b) The applicant being suspended and under investigation by another licensing authority for driving a private hire vehicle without a current licence and for failing to cooperate with the licensing authority's investigation into the alleged offence, as detailed in the report;
- (c) The applicant failing to declare all relevant motoring offences on their application;

DA was advised of their right of appeal.

- (2) That the application by DA for the grant of a Private Hire Operator Licence be refused on the grounds that the Sub-Committee do not consider him to be a fit and proper person to hold such a licence by reason of:

- (a) Concerns over public safety. During the hearing the Sub-Committee heard from the applicant that he had been involved in an accident in his vehicle which had resulted in him receiving a careless driving conviction and 8 points on his DVLA driving licence. The Sub-Committee were further concerned that at the time of the accident a passenger had also been in the vehicle and that it appeared that the vehicle was being driven without a valid Private Hire Vehicle Driver's Licence;
- (b) The applicant being suspended and under investigation by another licensing authority for driving a private hire vehicle without a current licence and for failing to cooperate with the licensing authority's investigation into the alleged offence, as detailed in the report;
- (c) The applicant failing to declare all relevant motoring offences on their application;

DA was advised of their right of appeal.

- (3) That the appeal against the allocation of penalty points to the Private Hire Vehicle Driver's Licence in respect of SH be heard in the appellant's absence as the appeal had already been deferred from the Sub-Committee on 10 January 2023 which the appellant had also failed to attend without providing a reason for their absence.
- (4) That the appeal against the allocation of penalty points to the Private Hire Vehicle driver's licence in respect of SH be refused due to the breach of Private Hire Driver Conditions, as detailed in the report. It had been found that the licence holder had been in breach of Condition 36.1 of the Private Hire Vehicles driver conditions in that they had not displayed a roof sign or door stickers whilst working. As a consequence, the addition of three penalty points to the driver's licence for the contravention should stand.

(Exempt information as defined in paragraph 1, 2, 3 and 5)

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(The meeting started at 6.30pm and closed at 8.40 pm)