

## LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

At a meeting of this Committee held on  
24 March 2021

(Present)            **Councillor Banks (Chair)**  
**Councillors Cunliffe, Hattersley, Jones, T Long,**  
**Maloney MBE, O’Keefe, Pearl, Pearson, Sweeney, Tasker and**  
**Uddin**

(Not Present)    **Councillors Bell, Murphy and Pritchard**

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### 18    **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bell, Murphy and Pritchard.

### 19    **MINUTES**

\*        **Resolved that the minutes of the meeting held on 11 March 2021 be approved.**

### 20    **DECLARATIONS OF INTEREST FROM MEMBERS**

No Declarations of Interest from Members were made.

### 21    **EXCLUSION OF THE PUBLIC**

\*        **Resolved that the public be excluded from the meeting during consideration of the following items for the reason stated:**

<b><u>Minutes</u></b>	<b><u>Reason (under Local Government Act 1972)</u></b>
<b>22 &amp; 23</b>	<b>Information relating to an individual in accordance with Paragraph 1 of Schedule 12(a).</b>

### 22    **REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE (REF: HD2815)**

A report was presented to the Committee in relation to a review of existing Hackney Carriage/Private Hire Drivers Licence (Ref: HD2815).

Members were informed that HD2815 was first Licensed on 17 June 2010 and their current hackney carriage/private hire licence was due to expire on 16 June 2021.

Members were advised that HD2815 received three penalty points for an SP30 offence (exceeding statutory speed limit on a public road) on 25 September 2019. This was reported to the Licensing Section on 7 February 2020 in accordance with the 7-day rule. The expiry date for these points was 25 September 2022.

HD2815 informed the Licensing Section of a further two SP30 (exceeding statutory speed limit on a public road) offences which occurred on 2 September 2020 and resulted in two further sets of three penalty points being added to their DVLA driver’s licence. The expiry date for both these offences was 8 August 2023.

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Members were informed that this review had been referred to Committee in accordance with Council policy due to nine penalty points being endorsed on HD2815's DVLA driver's licence.

On 11 December 2020, a pre-committee referral interview was conducted by telephone with HD2815.

Copies of HD2815's current hackney carriage/private hire driver's licence, a copy of HD2815's DVLA mandate showing 9 penalty points and a record of the pre-committee referral interview conducted were attached to the report as appendices A to C respectively.

HD2815 attended the meeting by video link and was given every opportunity to present their case to Members and answer questions. HD2815 was then invited to sum up their case and was advised that the Committee's decision would be conveyed to them the following day, with a detailed decision letter to follow in due course.

HD2815 and Licensing Officers then left the meeting whilst the Committee deliberated in private with the Council's Solicitor.

\* **Resolved that on the balance of probabilities, no action be taken.**

The Licensing Officers then returned to the meeting.

### **23 NEW APPLICATION HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (REF:NU)**

A report was presented to the Committee in relation to a new application for a Hackney Carriage/Private Hire Driver's Licence (Ref: NU).

Members were informed that in making their application dated 22 June 2020, the Applicant declared a conviction for a DR10 offence (driving or attempting to drive with a blood alcohol level above the legal limit) dating from September 2010. This offence remained on the Applicant's DVLA licence for 10 years. No other convictions were disclosed.

Members were informed that the Applicant previously held a hackney carriage/private hire driver's licence with the Council at the time of this offence and conviction (between 19 September 2004 and 15 October 2010), however the Applicant failed to report this conviction to Licensing.

A check of the Applicant's DBS certificate was returned to Licensing on 21 September 2020 and confirmed five relevant convictions.

On 14 December 2020, a pre-committee referral interview was conducted by telephone with the Applicant.

Copies of the Applicant's application form as submitted, signed Pre-Committee Referral Interview record and the Applicant's Licensing record were attached to the report at Appendix A to C.

The Applicant attended the meeting by video link and was given every opportunity to present their case to Members and answer questions. The Applicant was then invited to

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sum up their case and was advised that the Committee's decision would be conveyed to them the following day, with a detailed decision letter to follow in due course.

The Applicant and Licensing Officers then left the meeting whilst the Committee deliberated in private with the Council's Solicitor.

- \* **Resolved that, on the balance of probabilities, the new application for Hackney Carriage/Private Hire Driver's Licence (Ref: NU) be refused as the Committee was not satisfied that NU was a "fit and proper person" to hold a driver's licence pursuant to Section 51 and 59 of the Local Government (Miscellaneous Provisions Act) 1976 and the Council's Policy.**

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