

# General Licensing Committee

A meeting of General Licensing Committee was held on Monday, 12th December, 2022.

**Present:** Cllr Paul Kirton(Chairman), Cllr Eileen Johnson(Vice-Chair), Cllr Jacky Bright, Cllr Robert Cook, Cllr Maurice Perry, Cllr Lee Spence, Cllr Marilyn Surtees, Cllr Hilary Vickers, Cllr Bill Woodhead MBE

**Officers:** Natalie Hodgson, Rebecca Jackson, Sarah Whaley (D o CS), Elliott Beevers, Polly Edwards, Amy Stephenson, (D o AH),

**Also in attendance:** Private Hire Driver Applicant – 102063

**Apologies:** Cllr Evaline Cunningham, Cllr Ken Dixon, Cllr Mick Moore,

## **GLC 27/22**      **Evacuation Procedure**

The Evacuation Procedure was noted.

## **GLC 28/22**      **Declarations of Interest**

There were no declarations of interest.

## **GLC 29/22**      **Exclusion of the Public**

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

## **GLC 30/22**      **Private Hire Driver Application – 102063**

Members were asked to determine an application for a Combined Hackney and Private Hire Driver's Licence from Applicant - 102063 who had historical convictions and had been previously refused a licence by this committee.

Applicant – 102063 attended and was given the opportunity to make representation.

Committee papers and reports had been provided to all relevant parties prior to the meeting.

The report detailed the following:

- A copy Applicant 102063's application which contained a DVLA check code, showing no live DVLA endorsements.
- A copy of Applicant 102063's insurance document.
- A copy of a summary of an interview with Applicant 102063 and Licensing Officers.
- A copy of Applicant 102063's negative oral fluid drugs screen test.

The Chair introduced everyone present and explained the procedure to be followed during the hearing.

The Committee noted that the application was for grant of an application to drive Combined Hackney Carriage and Private Hire vehicles.

Members noted that as part of the application process Applicant 102063 had completed an enhanced DBS which showed several historical convictions including 'driving otherwise in accordance with a licence', 'resist or obstruct a constable', 'using a vehicle while uninsured', 'possessing a controlled drug with intent to supply' and 'possessing a controlled drug'. It was also noted that Applicant 102063 had been refused a licence with this authority on several occasions.

The matter was brought before the Committee as it was practice to bring applicants who had previously been refused or revoked by Licensing Committee, back before the Committee for consideration and determination.

In the licensing regime convictions could always be taken into consideration, regardless of the amount of time that had passed. Applicant 102063 gave assurances to the Committee that he had changed and matured since his convictions and that the Committee could trust Applicant 102063 to be a responsible licensed driver.

The Committee confirmed that Applicant 102063's application did comply with the current Private Hire & Hackney Carriage Licensing Policy. The Committee were satisfied that Applicant 102063 was policy compliant and determined he was now a fit and proper person to hold a licence. The Committee determined to place their trust in Applicant 102063 and grant him his licence.

It was explained to Applicant 102063 that the granting of his licence came with a warning that he should repay this trust and would not act in any way that would bring him to the Committee's attention in the future.

Applicant 102063 was warned that he must comply with his licence conditions and with policy regarding reporting any convictions or driving offences. Any arrests must be reported to the Licensing Department, in writing, within 48 hours and any conviction must be reported to the Licensing Department within 7 days.

Existing licence holders who commit criminal offences or received complaints about their behaviour which resulted in disciplinary action may expect the Council to consider revoking their licence or refusing their renewal application. These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence.

Any further incidents may call in to question Applicant 102063's fitness to hold a licence. The overriding consideration was the safety of the public. The Council had a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles were suitable persons to do so, that they were safe drivers with good driving records and adequate experience, sober, courteous, mentally, and physically fit, honest, and not persons who would take

advantage of their employment to abuse or assault passengers.

RESOLVED that Applicant – 102063's, Combined Hackney Carriage and Private Hire Drivers Licence be granted for the reasons as detailed above.