

Minutes of	General Licensing Sub-Committee
Meeting date	Thursday, 26 May 2022
Committee members present:	Councillors Jacky Alty (Chair), Jane Bell, Chris Lomax, Jacqui Mort and Gareth Watson
Committee members attended virtually (non-voting):	Councillors
Officers present:	Chris Ward (Licensing Manager), Tasneem Safdar (Shared Legal Services Team Leader) and Coral Astbury (Democratic and Member Services Officer)
Other attendees:	Councillors and (attended virtually)
Public:	0

A video recording of the public session of this meeting is available to view on [YouTube here](#)

1 Apologies for absence

There was no apologies for absence.

2 Declarations of Any Interest

There were no declarations of any interest.

3 Exclusion of the Press and Public

Resolved:

To consider the exclusion of the press and public for the following items of business on the ground that it likely involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

By Virtue of Paragraph 1: Information relating to any individuals.

4 Private Hire Driver Renewal Application

On 26 May 2022 at 2:00pm, a sub-committee hearing was convened to determine an application for the renewal of a Private Hire Driver Licence.

The members were Cllr J Alty (Chair), Cllr J Bell, Cllr C Lomax, Cllr J Mort and Cllr G Watson. The driver and his representative were also present.

The Licensing Manager outlined the report of the Director of Planning and Development and explained the application was referred to members for a decision as the driver had allowed the license to expire and continued to work for a period of two weeks. In addition, the Driver submitted a DVLA summary as part of the application process which stated he received three points on his licence for a speeding offence in November 2021, this conviction was not reported to the authority at the time of the offence.

The Licensing Manager explained that the Driver had been a licensed driver for three years and applied for renewal on 28 April 2022. Upon renewal, Officers realised the licence had expired on 14 April 2022 and had contacted the operator who confirmed the driver had continued to work whilst unlicensed. The Licensing Manager advised that working without a valid licence constituted an offence under the Local Government (Miscellaneous Provisions Act) 1976, Section 46(1)(b).

In addition to working with an expired license, the Licensing Manager advised that a speeding offence was disclosed on the driver's DVLA licence. Members noted that a condition of the Private Hire Licence requires drivers to notify the authority of any conviction within 72 hours. In this instance, the driver had not notified the authority within 72 hours, however he had reported the conviction at the time of his renewal.

The Licensing Manager explained that there had been no complaints received about the Driver and officers had found him to be polite. The Driver had been granted a temporary licence which was due to expire on 26 May 2022. The Licensing Manager provided that the Driver had not worked over the bank holiday period and it was their view that he posed no risk to the general public.

During the pre-committee interview the Driver had presented as honest to officers and admitted that he had made a mistake. When he realised his mistake, he had completed the renewal application straight away. The Driver had advised Officer's that he thought he would have received a renewal letter from the authority or his operator, as his operator had taken details of his licence when he commenced employment. In relation to the speeding incident the Driver had advised officers that he had a young baby at the time and was tired, he had attended a statutory speed awareness course and was confused to find that he had been charged with a speeding offence.

The Licensing Manager asked members to consider if the Driver was still a fit and proper person to hold a private hire licence and outlined the options available to members.

The representative, on behalf of the Driver, thanked officers for their report and agreed with the decision made to grant the Driver a temporary licence. The representative explained that the Driver had caused officers no cause for concern in the time he had been driving on a temporary licence, and it had been an oversight on the Driver's part.

Members accepted that sometimes an individual could forget to renew something, and it was understandable. However, members explained to the Driver the seriousness of the mistake and emphasised that it was his responsibility to ensure his paperwork was up to date. Members explained that had a situation arose whilst unlicensed, he would have been responsible.

In response to a member enquiry, the Driver explained that his operator had taken details of his licence when he started employment and he had assumed he would get a reminder letter from his operator or the council. The Driver explained that his operator had changed recently, and three years was quite a long time.

Members told the Driver that he needed to keep record of when his documentation would expire.

The representative on behalf of the Driver advised the Panel that he had spoken to the operator and outlined their responsibilities as both a business owner and an employer.

Members asked the Driver if he had lost any earnings as a result of the lapse in licence. In response, the Driver explained that he realised he could not work when his licence had expired as it was an offence. The Driver apologised and advised that he did not forget to renew his licence intentionally as it was his livelihood. Until he was issued a temporary licence he stopped working for a few days. The Licensing Manager confirmed that the application was received on 28 April however, a temporary licence was not issued until Wednesday 4 May due to the Council closing for bank holiday, the Driver lost 6 days of potential earnings.

The Sub-Committee's Legal Advisor referred to the pre-committee interview and asked the Driver if he had a good understanding of english, maths and keeping paperwork up to date as he had been an office apprentice for 4-5 years. The Driver could not answer the question.

In response to the Sub-Committee's Legal Advisor, the Driver confirmed that his badge did show the expiry date and he kept the badge on his rear-view mirror, so it was visible to the customer.

The Legal Advisor explained that it was the Driver's responsibility to ensure his badge was valid.

Members asked the Driver if he had set himself a reminder for the future and the Driver confirmed that he had.

In summing up, the Driver's representative stated that officers had dealt with the Driver in a fair manner and it was his view that there was no malice from the Driver when forgetting to renew his private hire licence. As soon as he found his licence expired, he contacted the council to renew it, and has since worried himself. The representative acknowledged that it was serious, however he requested members to consider the views of Officers.

The Driver's representative explained that he did not condone the actions of the Driver and had told him he could not do it again, as had officers.

In summing up, the Licensing Manager advised that the Driver had only driven unlicensed for a period of two weeks and had made a mistake. Throughout the investigation process the Driver had admitted his mistake and acted honestly and in a sincere manner.

RESOLVED:

The Panel carefully considered this case, considering: -

1. Both Written and Oral Evidence presented in connection with the hearing
2. The Local Government (Miscellaneous Provisions) Act 1976/Town Police Clauses Act 1847 (where applicable)
3. Statement of Policy and Guidelines relating to the relevance of convictions, formal/simple cautions, complaints and other matters which may impact on the granting of a licence
4. The fit and proper person test.

The panel accepted that the Driver was a relatively new driver and had made a genuine mistake in not renewing his licence in time – this was for a period of 14 days. The Driver had explained that when he commenced work with his operator, he provided his documentation to the operator and was expecting a reminder from them. There had been a change in the management of the operator. As soon as he realized that his licence had expired, he applied for the same to be renewed.

In terms of not notifying the Council of the speeding offence within 72 hours which is in breach of the conditions of the licence, the Driver explained that he had received two speeding offences in November very close to each other. He attended a course and thought this covered both the offences. He didn't realise that he had been issued with three points on his licence. He explained he had a young baby at home at the time of receiving the speeding offences. He declared this offence at the time of making his renewal application.

The panel were of the view that the Driver had shown genuine remorse and understood the seriousness of the situation he was in.

In the circumstances, the panel unanimously decided that the Driver will be issued with a warning in this instance, alongside requesting an application in line with Paragraph 5.9 of the policy, which is the requirement to pass the driver competency test, as he had allowed his licence to lapse and could not demonstrate that the exception stipulated within the section applied to him.

If the Driver is unhappy with the decision, he has a right to appeal this decision within 21 days to the Magistrates' Court upon receiving the written decision.

Chair

Date