

**Minutes of** **General Licensing Sub-Committee**

**Meeting date** **Wednesday, 21 September 2022**

**Committee Members present:** Councillor Matthew Lynch (Chair), Councillor (Vice-Chair) and Councillors Hasina Khan, Roy Lees and John Walker

**Officers:** Tracy Brzozowski (Customer Services Manager (Enforcement)), Alex Jackson (Legal Services Team Leader), Usman Gazra (Enforcement Officer (Licensing)) and Ben Storey (Democratic and Member Services Officer)

**Apologies:** Councillor Michelle Le Marinel

## **20.5 Declarations of Any Interests**

On the commencement of the meeting, the Chair held a minutes' silence as a mark of respect for the late Queen, Queen Elizabeth II.

There were no declarations of interests.

## **20.6 Procedure**

The Chair outlined the procedure to be followed.

## **20.7 Exclusion of the Public and Press**

### **Resolved:**

That the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

## **20.8 Review of a Private Hire Driver Licence**

On 21 September 2022 at 2:00pm, a sub-committee hearing was convened in respect of a review of a Private Hire Driver Licence.

The members were Cllr Matthew Lynch (Chair), Cllr Hasina Khan, Cllr Roy Lees, and Cllr John Walker. The Driver was also present.

The Enforcement Officer (Licensing) outlined the report of the Director of Planning and Development and explained that the Driver had been referred to the sub-committee because he had been convicted of an offence after the grant of his licence, taking him

within the Council's Safeguarding, Suitability and Convictions Policy for Taxi Licensing.

The Enforcement Officer (Licensing) outlined the Driver's history as a licence holder. Following a complaint made by a member of the public, the Driver's licence was reviewed by the General Licensing Sub-Committee in December 2009. As a result of this the licence holder was required to complete a recognised training course regarding customer care, customer safety and driver safety. With reference to paragraph 13, the Enforcement Officer (Licensing) confirmed that after the report was published, evidence confirming that the Driver had completed this course had now been discovered within Council records and paragraph 13 should be disregarded.

On two separate occasions the licence holder received a fixed penalty notice for a speeding offence, resulting in his DVLA licence being endorsed with 3 penalty points. On both occasions, the licence holder failed to notify the Council of this in accordance with the conditions of his licence, however, he did declare the fixed penalty on his subsequent applications to renew the licence.

No further complaints or incidents had been reported to the Council until the offence in March 2022 with the Driver's licence last being renewed on 20 October 2020.

Members were asked to disregard paragraphs 20 and 21 of the report in relation to the Driver's failure to notify the Council of the fixed penalty notice. The Enforcement Officer (Licensing) explained that further evidence had been provided by the Driver's legal representative that demonstrates that notification was provided within 7 days of the conviction being imposed.

The Enforcement Officer (Licensing) referred members to the Safeguarding and Suitability Policy and explained that when an offence is committed in relation to driving or operating a taxi, this should be viewed in a more serious light and a longer period of rehabilitation will be required.

He explained that the Council's Policy stated that any minor traffic offence which results in 6 or more penalty points are to be treated as a major traffic offence. The policy states that a period of 2 years is required before the Council would grant a licence to an applicant with a major traffic offence.

When asked by Members, the Enforcement Officer (Licensing) confirmed that the Driver's licence was not currently suspended.

Members asked for clarification whether the previous speeding offences were obtained whilst in a licensed vehicle. In response, Members were advised that the Council would not hold these records but suggested that the Driver could clarify this point.

In making his representations, the Driver detailed the circumstances in which he received the fixed penalty notice.

Upon leaving a petrol station near where he lives, the Driver received a call from home which he believed was in relation to his mother who has health concerns. As he had just re-entered the vehicle, his mobile phone had not connected to his car when the call was received. Therefore, to answer the call the Driver reached over to his phone which was sat in a phone cradle on the dashboard. This action was spotted by a nearby police officer who took the Driver's details and reported the incident.

The Driver accepted responsibility for his actions and told the sub-committee that he had taken steps to ensure such an incident would not happen again, namely a new Bluetooth kit that connected his mobile phone to his car before he entered the vehicle.

In response to questions from Members, the Driver confirmed that he was in a private vehicle when he was convicted of the two previous speeding offences, also near to where he lives. The Driver also explained that he did not pick up his phone to answer the call but tapped on the phone whilst it was secured in a phone cradle.

The Legal Officer asked the Driver whether there were any non-paying passengers in the vehicle when he committed the mobile phone use offence. In response, the Driver confirmed that nobody else was in the car at the time.

Members sought reassurance from the Driver that he appreciated that passenger safety was paramount and asked if he had learnt from his previous convictions. The Driver replied that he had learnt from his mistakes, referencing the incident in 2009 and was a more considerate driver.

In summing up, the Driver expressed his regret at what he described was a 'genuine mistake', explained that he had learnt from his mistakes and had taken steps to ensure such an incident was not repeated in the future.

### **Decision**

Members resolved to authorise licensing officers to issue a stern warning to lie on the Driver's licensing file for the following reasons:

1. The Driver reported the offence in writing within 7 days to the Council in accordance with conditions attached to his driver licence.
2. Members were satisfied that the Driver had given a genuine commitment to obey the law in future regarding mobile phones in vehicles.
3. Members accepted the Driver's account that the offence did not occur in a licensed taxi.
4. Members accepted the Driver's account that he merely pressed a button to answer on the mobile phone and did not hold it in his hand as he would when not driving a vehicle. Members emphasised however that any repeat of the offence even in similar circumstances would likely result in revocation of the driver licence.

Chair

Date