

**LICENSING AND GENERAL PURPOSES COMMITTEE - TAXI AND
PRIVATE HIRE LICENSING PANEL**

20 January 2022

Minutes of the Taxi & Private Hire Licensing Panel held at the Town Hall, Bexhill-on-Sea on Thursday 20 January at 11:08am.

There were present:

Members of the Taxi and Private Hire Licensing Panel

Councillors: K.M. Field, C.A. Madeley and A.S. Mier.

Legal Adviser

Principal Solicitor - Wealden & Rother Shared Legal Services.

Interested Parties

Dual Licensed Driver – TPHLP220120

Driver's Representative – Ms N.

Advisory Officers

Senior Environmental Health Officer, Environmental Health Licensing Assistant and Democratic Services Officer.

TLP21/1 APPOINTMENT OF CHAIRMAN

Councillor Mier was duly appointed as Chairman of the Panel for this hearing.

TLP21/2 MINUTES

The Chairman was authorised to sign the Minutes of the last Taxi and Private Hire Licensing Panel held on 20 April 2021 as a correct record of the proceedings.

TLP21/3 EXCLUSION OF PRESS AND PUBLIC (EXEMPT INFORMATION)

RESOLVED: That the press and public be excluded whilst the matter containing exempt information, as prescribed by Part 1 of Schedule 12A of the Local Government Act 1972, as amended and relating to Minute TLP21/04 was under consideration. The report submitted in connection with this item that contained information exempt from publication by virtue of Part 1 of Schedule 12A to the Act shall remain confidential if and so long as, in all the circumstances of the cases, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

LICENSED DUAL DRIVER - CONSIDERATION OF GRANT OF LICENCE (PARAGRAPHS 1, 3 AND 7)

The Chairman welcomed and introduced all present to the meeting and advised on the remit of the Licensing Panel in determining the matter as detailed in the confidential report of the Head of Service Environmental Services, Licensing and Community Safety.

The Panel had to determine whether the driver was a fit and proper person to continue to hold a Dual Driver's Licence.

The confidential report stated that in the process of renewing his dual driver's licence, the driver had submitted an enhanced Disclosure and Barring Service (DBS) certificate as part of that process. The certificate showed that on 2 October 2019, the driver had been convicted (a plea entered) at Sussex Eastern Magistrates' Court of an offence under section 2A(1) of the Protection from Harassment Act 1997, namely "stalking without fear/alarm/distress" and had been sentenced to a Community Order with an 80 hours unpaid work requirement (to be completed by 15/10/2020) under the supervision of the Probation Service. A Restraining Order (on conviction) was also made. The Council had no written record confirming that the driver reported the offence, or the arrest, or the conviction to the Council. The driver's renewal application, dated 6 November 2021, indicated that he had no convictions; the renewal process also found that he had failed to notify the Council of the change of his address. These issues raised questions as to whether the driver was a 'fit and proper' person.

The Panel heard from the Environmental Health Licensing Assistant, who provided further details of the matters for consideration. The Panel were advised of the options available to them, namely: Grant the Dual Driving Licence; Grant the Dual Driving Licence with appropriate sanctions (penalty points); or Refuse to grant the Dual Driving Licence. The Panel were reminded that the offence leading to the conviction was not under discussion, but the driver's failure to adhere to certain conditions of his licence.

The Panel then heard from the driver who explained that he had met with the previous Licensing Officer after his arrest and had understood from the conversation that the matter would not affect his Dual Driver's Licence. The driver advised the Panel that he had never had any complaints from customers in the past and there had been no breaches of his Restraining Order (that was imposed on conviction for the original criminal offence in Oct 2019). He went on to explain that at the time of completing the section of the application form, (to renew his licence), requesting details of any criminal offences, he believed this to related to motoring offences only.

Finally, the Panel heard from the driver's representative who managed the taxi firm the driver had worked for. She confirmed that she had been made aware of the incident which led to the conviction by both the driver and the Licencing Officer. She advised that the driver was well liked by customers and colleagues and had very high standards and had no concerns with the driver working for the company.

The Chairman confirmed with the driver that he understood the seriousness of the situation and the reasons for the hearing.

The Panel retired to consider the case in private. The Panel took into account all the written evidence provided to them, including the character references, the information from Sussex Police and the verbal statements made by the Environmental Health Licensing Assistant, the driver and his representative. The Council's legal representative advised the Panel on the matters that should be taken into account in determining this case. The Panel decided that the driver remained a 'fit and proper person', but in accordance with the Council's Penalty Points Scheme, 9 points would be added to the driver's Hackney Carriage Dual Driver's Licence, made up as follows:

6 points	Failure to provide relevant information.
3 points	Failure to notify, in writing, the Council of a change of address within 7 calendar days.

These points would remain on the driver's licence for 12 months commencing from the 20 January 2022. Where a driver accumulated 12 or more penalty points in any 12 month period, the matter would be referred to the Council's Licensing Panel for the Licensing Panel to decide whether the driver remained a fit and proper person.

RESOLVED: That Hackney Carriage Licenced driver TPHLP220120 remained a 'fit and proper person' to hold a licence, but 9 Penalty Points be added to the driver's Dual Driver's Licence.

(This matter was considered exempt from publication by virtue of Paragraphs 1, 3 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended).

CHAIRMAN

The meeting closed at 12:23pm