

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

19 May 2022

Minutes of the Taxi & Private Hire Licensing Panel held at the Town Hall, Bexhill-on-Sea on Thursday 19 May at 10:50am.

**There were present:**

**Members of the Taxi and Private Hire Licensing Panel**

Councillors: C.A. Madeley, A.S. Mier and R.B. Thomas.

**Legal Adviser**

Principal Solicitor - Wealden & Rother Shared Legal Services.

**Interested Parties**

Dual Licensed Driver – TPHLP220519

Driver's Representative – Ms N.

**Advisory Officers**

Licensing Assistant x 2 and Democratic Services Officer.

---

TLP22/1      **APPOINTMENT OF CHAIRMAN**

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

TLP22/2      **MINUTES**

The Chair was authorised to sign the Minutes of the last Taxi and Private Hire Licensing Panel held on 29 April 2022 as a correct record of the proceedings.

TLP22/3      **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 TLP22/04 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.

TLP22/4      **LICENSED DUAL DRIVER - CONSIDERATION OF ACTION (PARAGRAPHS 1, 3 AND 7)**

The Chair welcomed and introduced all present to the meeting. The Principal Solicitor 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 licensing officers had carried out an investigation following specific allegations made against the driver involving a school transport passenger (a child aged 14) and her mother. The driver had therefore possibly breached the Council's Hackney and Private Hire Handbook with regard to policies including; Inappropriate passenger communication, Social Media – non business contact and Children and Vulnerable Adults. These breaches and other issues detailed in the report brought into question whether or not the driver remained a 'fit and proper person' to continue to hold a Rother Dual Driver's licence which they had held with Rother District Council (RDC) since 31/08/2021 and it was due to expire on 30/08/2022. The driver also held a Private Hire Vehicle Licence of the same dates.

The Panel heard from the Licensing Assistant, who provided further details of the matters for consideration. The Panel were advised of the options available to them, namely: to award Rother penalty points against the dual driver licence; or suspension (for a specific time or until remedial action taken, for example training); or the revocation of that licence.

The Panel then heard from the driver who explained that they had been a driver for some time for Wealden District Council (WDC) prior to RDC and before that in Hampshire, with no complaints received. The driver advised that the taxi firm they had worked for at the time of the alleged incidents had provided them with the contact details of the mother in order to arrange pick-up times with her directly but had not provided any safeguarding guidance. The driver confirmed receiving the Council's Hackney and Private Hire Handbook when gaining a Dual Driver's licence and Private Hire Vehicle licence for Rother in August 2021.

Finally, the Panel heard from the driver's representative, Ms N, who managed a local taxi firm that the driver was currently working for. Ms N confirmed that the driver had been provided with safeguarding guidance from the firm she managed, based on a document from East Sussex County Council and on receipt, the driver had been surprised that it had not been provided before by the previous firm worked for. Ms N confirmed she had never had any issues with or received complaints about the driver, only compliments and that she would be happy to place anyone in a taxi, including her granddaughter, with the driver.

The Panel retired to consider the case in private. The Panel took into account all the written evidence provided to them, including the verbal statements made by the Licensing Assistant, the driver and their 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' and could continue to hold a Dual Driver's licence with RDC. This also applied to the Private Hire Vehicle licence held. The Panel did, however, have some cause for concern and therefore imposed eight points on the driver's licence under the RDC Penalty Points scheme. This was by virtue of the misconduct of 'Unsatisfactory behaviour or conduct of a driver' to serve as a reminder to uphold the highest standards of behaviour and conduct when in a licensed vehicle of RDC. The Panel reminded the driver to keep apprised of the RDC policy and be mindful that, going ahead, the penalty points would remain on the driver's RDC licence for a period of 12 months.

**RESOLVED:** That Hackney Carriage Licenced driver TPHLP220519 remained a 'fit and proper person' to hold a Dual Driver's Licence and Private Hire Vehicle Licence, but that eight points be imposed on the licence under the Rother District Council Penalty Points scheme. This was by virtue of the misconduct of 'Unsatisfactory behaviour or conduct of a driver' and would remain on the licence for a period of 12 months.

(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).

**CHAIR**

The meeting closed at 12:31pm