

FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing Panel

(to be confirmed at the next meeting)

Date: Tuesday, 7 November 2023

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor Pamela Bryant (Chairman)

Councillors: I Bastable and M J Ford, JP



1. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that the public and representatives of the press be excluded from the meeting in accordance with Section 100(A) of the Local Government Act 1972 on the grounds that the matters to be dealt with involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12 of the Act.

2. APPLICATION(S) FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVING LICENCE(S)

The Applicant was accompanied to the hearing by his union representative.

The Panel considered a report by the Licensing Officer which contained exempt information in respect of a private hire vehicle driving licence application. A copy of the report was circulated to all parties in advance of the meeting. A written statement by the Applicant, received after publication of the agenda pack, was also circulated to all parties in advance of the hearing.

The Licensing Officer presented the circumstances of the case, as supported by the documentary evidence. There were no questions or points for clarification raised by the Applicant or Members of the Panel.

The Applicant presented the circumstances of his case, as detailed in the documentary evidence, and answered questions thereon from Members of the Panel.

The Applicant was invited to make a closing statement in respect of the circumstances and did so accordingly.

The Licensing Officer, the Applicant and the Applicant's representative left the room whilst the Panel considered its decision in private.

Following the Panel's deliberations, the Licensing Officer, the Applicant and the Applicant's representative returned to the meeting to hear the Chairman announce the Panel's Decision as follows:

DECISION OF THE MEETING HELD ON 07 NOVEMBER 2023 **PRIVATE HIRE TAXI DRIVER'S LICENCE APPLICATION**

The Panel has considered very carefully the report of the Licensing Officer and all the evidence presented today.

It has given due regard to the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") and the guidelines relating to the application of the "fit and proper person" test and other considerations of character. The Human Rights Act has been borne in mind whilst making the decision.

The Applicant attended the hearing with his union representative. A letter dated 25th April 2023 was also provided from his union representative in support of the Applicant's application.

On questioning, the Applicant explained that all/some of the speeding convictions related to one particular camera and that he only found out about them in April 2022. He stated that had he known about the speeding tickets he would have adjusted his driving behaviour/speed before he had acquired so many. The Applicant also stated that the points related to him driving only slightly over the 30 mph speed limit and referred to the excess speed being either 34 mph or 36 mph. He said he was a person of good character, loved his job and his trade.

The panel considered all the facts and has decided that the Applicant is not a fit and proper person in accordance with the Act and therefore his application for a private hire taxi driver's licence should not be granted.

Reasons for Decision

The panel considered all of the information within the document pack, the letter from the Applicant and the letter from his union representative as well as the representations he and his union rep made in person at the hearing. The panel were concerned about the fact that the Applicant referred to the fact that he had not adjusted his driving behaviour due to not having become aware of the speeding points until April 2022 which meant that he acquired numerous speeding points during the period between January to April 2022. The panel considered he should have known about speed limits as a driver, and as a taxi driver, and shouldn't have needed to become aware of the fact that he had been speeding through the notification of speeding points from the police. In addition, the panel noted that despite the Applicant having become aware of the speeding points in April 2022 there were further speeding points in July 2022.

The panel considered the guidance in detail and applied this to the circumstances of this matter and noted the following in particular at 4.39:

'Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.'

In addition, the panel also noted the following paragraph of the guidance at 4.42:

'A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or

damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.'

It was noted that the Applicant has in excess of 7 points as per the guidance at 4.42 as evidenced by the fact that the Applicant has 18 points. In relation to 4.42 the panel noted that a licence will not be granted until a period of 5 years has elapsed since the completion of any sentence imposed.

Accordingly, the panel considers that the Applicant is not a fit and proper person to have a private hire taxi licence from Fareham Borough Council and the application is not granted.

There is a statutory right of appeal to the Magistrate's Court of the decision which must be made within 21 days of formal notice.

RESOLVED that the Licensing Panel does not consider the Applicant to be a fit and proper person to hold a private hire vehicle driving licence and that accordingly, the licence be refused.

(The meeting started at 10.11 am
and ended at 11.42 am).

..... Chairman

..... Date