



Minutes of the Drivers' Panel Hearing held on 24 September 2024 when there were present: -

Cllr D Jones	Chairman
Cllr L Dixon	
Cllr J Huntman	
Cllr D Macpherson	Observing

APOLOGIES FOR ABSENCE

There were none.

OFFICERS PRESENT

J Parker-East	- Assistant Director, Environmental Health, Licensing & Community
S Wilde	- Licensing Officer
A Azono	- Assistant Solicitor
L Piatto-Hill	- Governance Officer (Minutes)
H Boyd	- Democratic Services Officer (Observing)

1.30 pm Hearing

19 APPOINTMENT OF CHAIRMAN

Councillor D Jones was appointed Chairman.

20 DECLARATIONS OF INTEREST

There were none.

21 PROCEDURE FOR THE SUB-COMMITTEE

Introductions were made and all parties noted the procedure to be followed during the hearing, as set out in Item 3 of the agenda.

22 REPORT OF THE ASSISTANT DIRECTOR, ENVIRONMENTAL HEALTH, LICENSING AND COMMUNITY

The Licensing Officer presented their report on an application to determine if the appellant was a fit and proper person to hold a Hackney Carriage Driver's Licence.

DRIVERS' PANEL – 24 September 2024

The panel considered all the exempt evidence circulated in advance of the hearing and evidence presented at the hearing.

A complaint was received from the witness on 21 May and following this the driver was interviewed on 14 June at the Council offices whilst under caution and in line with the Police and Criminal Evidence Act 1984 during which they confirmed that they had taken this fare but denied driving without due care and attention, denied driving whilst using a handheld device and also denied being threatening and aggressive towards their passengers.

The driver admitted that they had charged £17.80 for the fare and charged the soiling fee of £70.00. During interview the appellant also produced copies of photographs that they had taken of the soiling to the back seat and agreed to forward copies to the Licensing Officer. Despite being reminded on 27 June the driver had failed to produce copies for Licensing. However, these photos were provided at the start of the hearing.

Members were invited to ask questions during which it was confirmed that there was a receipt for £20 for cleaning the seat.

The appellant showed photos taken of the staining on the seats; the photos showed dates and times. Eating and drinking in the vehicle was prohibited and they provided the passengers with the soiling charge document in order that they pay. The appellant stated that they could smell alcohol on the passengers. They had also had a conversation during the journey regarding boxing. The appellant informed that the bottle of cola was between the legs of the passenger and as there was sudden movement the drink spilt. The bottle of alcohol that the passengers had with them as well did not spill or break. The appellant could not recall the size of the cola bottle. When asked how they would handle people refusing to pay, they informed they would phone the police. The Licensing Officer confirmed that the soiling charge was within the guidelines.

The Licensing Officer confirmed that one of the passengers paid the soiling charge as they were in fear of their personal safety.

Panel Members expressed concern about whether the driver's attitude made their passengers feel apprehensive and intimidated into paying the soiling charge. It was emphasised that the paramount concern for the Drivers' Panel was public safety. Hackney carriage drivers are professional drivers charged with the responsibility of carrying the public safely.

The Panel adjourned to consider its decision.

The Drivers' Panel considered all of the options available, including suspension and revocation of the licence, but in light of the evidence given by the driver they felt that revocation was not appropriate in this case.

Due regard was given to the Local Government (Miscellaneous Provisions) Act 1976, the Council's Hackney Carriage and Private Hire Licensing Policy, guidelines relating to the application of the 'fit and proper person' and the Institute of Licensing Guidance on determining the suitability of applicants in the hackney and private hire trades.

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The Panel emphasised that it does not condone aggression of any kind. However, on balance of the evidence and information before the, and having listened to the appellant on the circumstances surrounding the offence and giving regard to their personal references, the Drivers' Panel was minded to treat the offence as an isolated one. However, the Panel advised that any future complaints about the appellant's conduct, however minor, would be brought back to the Panel and could result in revocation of the licence.

Resolved

To grant the Hackney Carriage Driver's Licence.

The Chairman concluded the hearing.

The Panel hearing commenced at 1.30 pm and ended at 3.25 pm

Chairman:

Date: