



## 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
A Azono	- Assistant Solicitor
S Wilde	- Licensing Officer
L Piatto-Hill	- Governance Officer (Minutes)
H Boyd	- Democratic Services Officer (Observing)

### 2.30 pm Hearing

#### 23 APPOINTMENT OF CHAIRMAN

Councillor D Jones was appointed Chairman.

#### 24 DECLARATIONS OF INTEREST

There were none.

#### 25 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.

#### 26 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 Private Hire Driver's Licence.

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

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The complainant advised that on Friday, 23 August 2024 they visited a patient in Elizabeth Way, Laindon. Whilst looking for the correct dwelling, they noticed a taxi drive slowly past with the driver's window wound down; they then noticed the taxi turned right and parked immediately on the junction. The driver of this taxi, a licensed private hire driver, was looking directly at the approaching complainant.

They claim that they heard the driver say something in their direction and stepped forward towards the taxi to inform the driver that they were not their fare. The driver then asked they needed help. The complainant, believing that a taxi driver would have a good knowledge of the area, asked for directions to a specific number on Elizabeth Way.

During the conversation the driver asked where the complainant was from and then enquired where they lived. The complainant claimed that this made them feel nervous as they were alone on the street.

They claimed that the driver asked for their telephone number; they decided to walk away as quickly as they could and sought shelter in a nearby block of flats. They felt extremely uncomfortable and threatened by the driver and felt in fear of their own personal safety.

The appellant stated that they were looking for their fare and as the job list did not show a name, they slowed the vehicle to ask the person, who appeared to be looking around. The driver emphasised that they didn't know whether they were looking for a male or female passenger. The driver acknowledged that in hindsight their questioning could have made the passenger fearful.

Members were invited to ask questions during which the appellant explained that they did not know the name of the person they were picking up. They weren't sure why they had complained; they may have been scared. They confirmed that they had undertaken safeguarding training. The driver confirmed that they approached the complainant first as they were looking for their customer.

The Licensing Officer advised that during the interview the driver stated that they were looking for a male customer and also said that they must have scared the complainant.

The Licensing Officer stated that the driver could have called their office if they were unsure about their passenger and drew the Panel's attention to the fit and proper person statement.

*"Without any prejudice and based on the information before you, would you allow a person for whom you care regardless of their condition to travel alone in a vehicle driven by this person at any time, day or night? If, on the balance of probabilities, the answer is no, the individual should not hold a licence".*

The Panel adjourned to consider its decision.

The Drivers' Panel considered carefully the report of the Assistant Director, Environmental Health, Licensing and Community, all of the supporting evidence

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received prior to the hearing and the representations made by the Licensing Officer, the complainant and the appellant.

The Drivers' Panel gave due regard 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 and licensees in the hackney and private hire trades whilst making the decision.

The Drivers' Panel had heard evidence relating to a complaint about the conduct of a Private Hire Driver when a lone female was seeking directions. The Panel had taken the Licence Holder's recollection of the incident into account but found that the driver's behaviour and line of questioning left the lone female feeling fearful and nervous.

The Panel found on the balance of probability, and given that the driver was at the time looking for their fare whom they admitted was a male passenger and that their attention could have placed the complainant in a position where they felt in fear for their personal safety and the fact that the complaint was raised in the first place, it was likely the events did happen as described by the complainant .

The paramount concern for the Panel was public safety. Private Hire Drivers are professional drivers charged with the responsibility of carrying the public safely.

### **Resolved**

To revoke the Private Hire Driver's Licence with immediate effect.

The Chairman concluded the hearing.

The Drivers' Panel hearing commenced at 3.40 pm and ended at 4.15 pm.

Chairman: .....

Date: .....