

DRIVERS' PANEL – 24 October 2024

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

The appellant had held a Combined Hackney Carriage and Private Hire Driver's Licence with Castle Point Borough Council since September 2022. They previously held a Private Hire Driver's Licence with the Council from April 2019 to September 2022.

The renewal process included a mandatory requirement to confirm any penalty points on the driver's DVLA licence.

The appellant submitted an online application to renew the licence on 18 September 2024, including a declaration of 6 penalty points for the following offence:

2 May 2022 – Breach of requirements as to control of the vehicle, mobile telephone, etc.

There were no questions from to the Licensing Officer.

The driver's representative gave a statement advising that the personal assistance device (PDA) was in a holder on the dashboard; the driver pressed the button to accept the job, which was a long distance job. The driver informed the insurance company of the points and thought they would notify the Council.

During responses to questions, it was clarified that at the time the police stopped the driver they stated that the mobile was in hand, not in a device.

The Drivers' Panel considered carefully the report of the Assistant Director, Environmental Health, Licensing and Community, the evidence submitted with the report and representations made by the Licensing Officer and the appellant's representative.

After careful consideration of all the information heard in the appellant's presence and giving due regard to the supporting references provided prior to the hearing, the decision of the Drivers' Panel was to accept the appeal and allow the appellant's combined driver's licence to be renewed. On balance, the appellant was found to be a fit and proper person to hold a licence.

In reaching its decision, the Drivers' Panel gave due regard to the Council's Hackney Carriage and Private Hire Licensing Policy, the Institute of Licensing Guidance on determining the suitability of applicants in the hackney and private hire trades, the Local Government (Miscellaneous Provisions) Act 1976, and the guidelines relating to the application of the 'fit and proper person'.

In so far as the Panel was departing from the Council's Policy on conviction for using a hand held mobile phone or device whilst driving, the Panel had given due regard to the circumstances surrounding this offence, the driver's personal references, the length of service as a taxi driver and the fact that there had never been any complaints about their conduct. The Drivers' Panel was minded to treat this offence as isolated and find the appellant to be a fit and proper person to hold a Combined Driver's Licence.

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The Driver's Panel maintained that the overriding objectives of any Licensing Authority when carrying out its functions relating to the licensing of drivers must be the protection of the public. The Panel advised the appellant to fit a cradle in their vehicle if not already done so to prevent being in a similar situation in the future.

The Driver's Panel reminded the appellant that any further convictions, cautions, penalty points and driving offences recorded against the appellant would likely result in revocation of their Combined Hackney Carriage and Private Hire Driver's Licence and consideration would be given to any failure to notify the Licensing Authority within the notice period stated in the Policy.

Resolved

To grant a combined Hackney Carriage and Private Hire Driver's Licence to the appellant.

The Chairman concluded the hearing.

The Panel hearing commenced at 11.30 am and ended at 12.35 pm.

Chairman:

Date: