



## Minutes of the Drivers' Panel Hearing held on 29 October 2024 when there were present: -

Cllr L Dixon  
Cllr J Knott  
Cllr J Huntman

Chairman

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr T Gibson.

### OFFICERS PRESENT

A Azono - Assistant Solicitor  
S Wilde - Licensing Officer  
L Piatto-Hill - Governance Officer (Minutes)

### 39 APPOINTMENT OF CHAIRMAN

Councillor J Knott was appointed Chairman.

### 40 DECLARATIONS OF INTEREST

There were none.

### 41 PROCEDURE FOR THE HEARING

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

### 42 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 meeting.

The complainant stated that at 3.40 pm on Thursday, 12 September 2024 the driver collected her and her husband at Asda in Basildon to take them to their home in Basildon. Her husband was registered disabled with brain damage and

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was partially sighted with limited mobility. The driver of the private hire vehicle that collected them holds a Castle Point Borough Council Private Hire Driver's licence.

The complainant stated that she had her disabled husband had five bags of shopping to get into the taxi and were refused assistance by the driver; the driver refused to allow her disabled husband to sit in the front of the vehicle despite it being more difficult for her husband to get in and out of the rear doors.

On arrival to their home the complainant was struggling to get her husband out of the back of the taxi and saw the driver standing at the boot and staring at her. She explained to the driver that she needed to get her husband out of the vehicle because if he fell it could be dangerous for him; the driver then picked up the five shopping bags out of the boot and placed them on the ground and informed the complainant that he required more training, got back into the taxi and drove off. She was then forced to get her disabled husband and the five shopping bags to her house approximately fifty metres away from where the taxi had dropped them. She stated that she requested assistance from the driver on more than one occasion at the drop off point.

The appellant gave their submission stating that they were unaware of any disabilities of the passengers. This information was not supplied and did not appear on the driver's PDA (Personal Digital Assistance device). The driver helped them with 5 bags of shopping and loaded them into the boot. Usually, passengers travel in the rear of the vehicle, which the driver prefers but the lady's husband asked to sit in the front. On arrival to the destination the driver unloaded the bags onto the pathway. The lady asked for bags to be taken to the door, which the driver would usually do when the property location is directly off the road. However, on this occasion the customer's property was through alleyways meaning the vehicle could not be left where it was unattended and so the driver left. Afterwards the complaint was made but not to the taxi company; it was made through CPBC.

In response to Members' questions it was confirmed that there were no specific stipulations as to how far the distance should be for providing assistance with bags and to people with disabilities. The 6 points on the driver's DVLA licence related to a separate incident when they were driving their daughter's vehicle.

The Legal adviser emphasised that it was a legal requirement when carrying passengers wheelchairs/mobility aids to take them to safety, as is reasonable.

The appellant stressed that they would be more aware and cautious in future, particularly given that not all disabilities are visible.

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.

After careful consideration of all the information heard in the appellant's presence, the Drivers' Panel was minded to uphold the complaint and award 4 penalty points on the appellant's private hire driver's licence for failing to give reasonable assistance to the complainant in loading and unloading goods from their vehicle.

In addition, the Appellant had 28 days to undertake a refresher course on

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Disability Awareness at a cost to themselves, failing which their private hire driver's licence would be suspended until the Disability Awareness course was completed.

In reaching its decision, the Drivers' Panel gave due regard to the Council's Hackney Carriage and Private Hire Licensing Policy, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022, the Local Government (Miscellaneous Provisions) Act 1976 and the guidelines relating to the application of the 'fit and proper person' and The Human Rights Act 1998.

The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of drivers must be the protection of the public and others who use or can be affected by the Hackney Carriage and Private Hire Services.

The evidence provided in the report and the representation had shown an unawareness by the appellant of their duties towards a disabled passenger which falls below what would be expected of a professional taxi driver.

### **Resolved**

That the appellant was a fit and proper person to hold a private hire driver's licence.

The Chairman concluded the hearing.

The Panel hearing commenced at 10.30 am and ended at 11.55 am.

Chairman: .....

Date: .....