

PUBLIC PROTECTION LICENSING COMMITTEE

Minutes of a remote meeting held on 13th June, 2023.

The Committee agenda is available [here](#).

The Meeting recording is available [here](#).

Present: Councillor P. Drake (Chair); Councillor J.M. Norman (Vice-Chair);
Councillors G. Bruce, L. Burnett, V.P. Driscoll, R. Fisher, C.P. Franks,
E. Goodjohn, H.C. Hamilton, W.A. Hennessy, N.B. Marshallsea, M.J.G. Morgan,
R. Sivagnanam and S.T. Wiliam.

102 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chair read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing”.

103 APOLOGY FOR ABSENCE –

This was received from Councillor M.R. Wilkinson.

104 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 16th May, 2023 be approved as a correct record.

105 DECLARATIONS OF INTEREST –

No declarations of interest were received.

106 EXCLUSION OF PRESS AND PUBLIC –

RESOLVED – T H A T under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.

107 GRANT OF LICENCES – R (DEH) – (EXEMPT INFORMATION – PARAGRAPHS 12, 13 AND 14) –

The report was presented by the Licensing Team Manager for Committee to determine whether R was a fit and proper person to hold Vale of Glamorgan Hackney Carriage and Private Hire Vehicle Driver Licenses.

The Licensing Team Manager provided the details of the Disclosure & Barring Service (DBS) Certificate which was commissioned as part of the application process to Committee Members. DVLA records did not confirm the date of the disqualification period or whether any reduction had been granted following completion of an awareness course, however R had self-declared that the disqualification from driving ended on 20th August, 2017.

Members questioned when the 7 years would have elapsed since the completion of any sentence or driving ban imposed. R believed it was this September. He explained the personal reasons that led to the conviction to the Committee and that he hoped to be granted a license in order to better himself and choose his hours of work. He also appreciated that Committee had to consider applications to ensure that only fit and proper persons held licenses.

Councillor Driscoll asked R if R was aware that if the conviction ended in August or September 2017 that the 7 years referred to in the Policy had not elapsed as that would be September 2024. R responded that he was aware but hoped that the conviction would be spent and he was being proactive in applying for the license. Councillor Driscoll asked if there were any matters for Committee to consider making an exception to the Policy for his application. R said that he was not a special case but was trying to better himself as he was a changed person since the isolated incident had taken place.

Councillor Fisher asked R if he had any experience of driving a taxi, to which R said he did not.

Members discussed the difference between the date of conviction and the date since the completion of any sentence or driving ban imposed which seemed to be the cause of confusion for the application. R said he may have misinterpreted that and thought the elapse date would be 2023 rather than 2024. He added that he had taken part in an awareness course but was unable to provide any specific date at the meeting.

No further questions or points of clarification were sought, so the Chair asked R if he wished to make any further statement to the Committee before being asked to leave so Committee could debate the application and make a decision.

R thanked Committee for considering the application and recapped on the points made earlier in the meeting. He asked when a decision would be made and the Principal Lawyer advised that notification would be sent to R by Licensing Officers within 7 days following the decision of the Committee.

R left the meeting whereby the application was considered by the Committee, was put to the vote and was unanimously agreed.

Having fully considered the matter, Committee subsequently:

RESOLVED – T H A T, having heard representations from R in respect of an application for a Hackney Carriage / Private Hire Drivers licence, it was unanimously resolved not to grant a licence as they did not consider that the applicant was a fit and proper person to hold a licence.

Reason for decision

The applicant accepted that he had misunderstood the policy that had been adopted on 3rd September, 2019 by the Public Protection Licensing Committee adopted Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades. The legal option open to the Committee was set out in paragraph 5.3 and the relevant sections of the Guidance were as follows:

Section 4.1 of the Guidance states: “One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation.”

Section 5.9 states: 2.2 “In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.” Section 5.10 states: 2.3 “Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.”

Section 5.23 states: 2.4 “In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.”

Drink driving / driving under the influence of drugs / using a hand-held telephone or hand-held device whilst driving - Section 5.35 states: 2.5 “Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.”

The applicant accepted that he did not fall within the policy, not having had 7 years elapse since the completion of his sentence. He accepted he was therefore subject to the Policy and could offer no compelling reasons as to why the Policy should not be applied to him. He advised that he had completed the driver rehabilitation course providing a 14-week reduction in his sentence, but was not able to provide proof of this to the Committee. He further accepted that even with the reduction in sentence his application was premature in complying with the policy. Members were of the view that driving when uninsured, subject to excess alcohol and having had no previous experience of being a driver, the applicant should not be granted a licence at this time.