

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Sub Committee held on 6 March 2024

Present

Keast, Milne and Weeks

26 Declarations of Interests

There were no declarations of interests relating to matters on the agenda.

27 Apologies for absence

There were no apologies of absence received from members.

28 Exclusion of the Press and Public

The Committee considered whether to pass a resolution excluding the public from the meeting during consideration of any of the items on the agenda. **PROPOSED** by Councillor Milne and **SECONDED** by Councillor Keast it was **RESOLVED** that

That the public be excluded from the meeting during consideration of the item headed and numbered as below because:

it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information of the descriptions specified in paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 shown against the heading in question; and

in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Item 5 **Determine suitability of licensed Private Hire / Hackney Carriage Driver**
(Paragraphs 1 to 2)

Paragraph 1 Information relating to any individual

Paragraph 2 Information which is likely to reveal the identity of an individual

29 Licensing Hearing - Determine suitability of licensed Private Hire/Hackney Carriage Driver

HAVANT BOROUGH COUNCIL LICENSING SUB-COMMITTEE
DECISION OF THE MEETING HELD ON 6 MARCH 2024
COMBINED HACKNEY & PRIVATE HIRE TAXI DRIVER'S LICENCE

The Sub-Committee has considered very carefully the report of the Executive Head of Place and all the evidence presented today.

It has given due regard to the Police Town Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 ("the Acts"), Havant Borough Council's Hackney Carriage and Private Hire Licensing policy and the guidelines relating to the application of the "fit and proper person" test and other considerations of character. The Human Rights Act has been borne in mind whilst making the decision along with the Department for Transport ("DfT") Standards.

Applicant A attended the hearing and was able to address the Sub-Committee with regard to the allegations made. He indicated that he had only recently received the pack but the Sub-Committee was satisfied that he has been made aware of the allegations previously and that efforts had been made to ensure the paperwork was delivered in good time.

The Sub-Committee considered all the evidence both in writing and presented orally at the hearing. It also had the benefit of viewing body worn footage and dashcam footage. Based on all of this the Sub-Committee has decided that Applicant A is not a fit and proper person in accordance with the Acts and therefore his combined hackney carriage/private hire driver's licence must be revoked. The Sub-Committee also decided that in the interests of public safety the revocation should be with immediate effect. The reasons for this decision are outlined as follows:

Reasons for Decision

The Licensing Officer addressed the panel highlighting the nature and number of complaints. Through the documentation the Sub-Committee was referred to the Taxi Policy and guidance around the fit and proper test as it relates to convictions, complaints, and patterns of behaviour.

The Sub-Committee noted that Applicant A has a conviction for Criminal Damage in 2018 and in accordance with the DfT Standards this alone could result in a revocation.

The Sub-Committee was particularly concerned about the number of complaints relating to poor and on occasion dangerous driving standards as well as arguments with inappropriate language and two allegations of physical assault of passengers.

There were a number of breaches of licensing conditions and lack of cooperation with Licensing Officers which left the Sub-Committee with the view that Applicant A does not give the appropriate priority to his combined hackney carriage/private hire driver's licence.

Licensing Sub Committee (6.3.24)

The Sub-Committee was not satisfied with the responses to the allegations from Applicant A. Whilst denying the physical assaults he did admit to using inappropriate language and arguing with passengers. As to his driving, he seemed to see no distinction between driving privately and as a combined hackney carriage/private hire driver.

The Sub-Committee considered that as a taxi driver there are certain responsibilities that come with the role, particularly with regards to public safety and these must be taken seriously. The Sub-Committee was not satisfied that Applicant A had demonstrated that understanding and taken his responsibilities sufficiently seriously.

The safety of the public needed to be the paramount consideration and the behaviours alleged, and to an extent, admitted impact directly on public safety. Therefore the determination of the Sub-Committee is that Applicant A is not a fit and proper person to hold a combined hackney carriage/private hire driver's licence. The licence is therefore revoked and in the interests of public safety the revocation should be with immediate effect.

There is a statutory right of appeal to the Magistrate's Court of the decision which must be made within 21 days of formal notice.

The meeting commenced at 10.01 am and concluded at 11.05 am