

SPEAKERS PANEL (LICENSING)

16 November 2021

Commenced: 10.00 am

Terminated: 10.50 am

Present: Councillors Taylor (Chair), S Homer, Lewis, North and T Sharif

In Attendance: Mike Robinson Regulatory Services Manager (Licensing)
Rifat Iqbal Legal Representative – as an observer
Ashleigh Melia Legal Representative

Apologies for Absence: Councillors Quinn, Cartey, J Homer, Jackson, Lane, Sweeton and Chadwick

12. DECLARATIONS OF INTEREST

There were no declarations of interest.

13. MINUTES

The minutes of the Speakers Panel (Licensing) meeting held on 21 September 2021 were agreed as a correct record.

14. EXEMPT ITEMS

RESOLVED

That under Section 100A of the Local Government Act 1972 (as amended) the public be excluded for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 2 and 3 of Part 1 of Schedule 12A of the Act and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, because disclosure of the personal information contained in the reports would not be fair to the applicant and would therefore be in breach of Data Protection principles.

15. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE - 4/2021

The Assistant Director of Operations and Neighbourhoods submitted a report requesting that the Panel determine whether the applicant was a fit and proper person to hold the relevant licence in accordance with the provisions of Section 51(1)(a) and 59(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel considered the written information submitted and heard the Regulatory Services Manager's case. He advised the Panel that the applicant had applied for a Private Hire Driver's Licence on 13 February 2020. Their DBS certificate detailed that they had been convicted of an offence of careless driving under Section 3 of the Road Traffic Act 1988 in January 2020 with the sentencing decision deferred to February 2020. The applicant was advised that the Council could not consider their application until the sentencing decision had taken place. Due to the coronavirus outbreak the court decision was deferred again to August 2020.

The applicant applied for a Private Hire Driver's Licence again on 9 August 2021 and during the checks made with the DVLA as part of the application process it was discovered that they had been

disqualified from driving for a period of 6 months as a result of totting up, with the disqualification commencing from 10 August 2020 until 9 February 2021. The applicant attended the Licensing Office in September 2021 to discuss the conviction.

The Panel were made aware of the relevant sections of the Policy and Guidelines relating to the Application of the "Fit and Proper Person Test" to Licensed Drivers and Operators.

The Panel and the applicant were provided with the opportunity to ask questions of the Regulatory Services Manager.

The applicant then addressed the Panel and explained that they had been a taxi driver in Edinburgh for a period of 4 years, from October 2016 until October 2020, and were confident in the job. They were hoping to have their application for a Private Hire Driver's Licence approved so they could return to this occupation.

In response to questions from the Regulatory Services Manager and Panel Members, the applicant provided an explanation for the incident that led to their conviction and stated they had moved to Tameside in November 2019.

At this juncture the applicant and the Regulatory Services Manager left the meeting whilst the Panel deliberated on the application. The Legal Representatives and the Senior Democratic Services Officer remained in the meeting to give legal and procedural advice and took no part in the decision making process.

In determining the application, the Panel considered all the information presented at the hearing in addition to the report and appendices. They further considered relevant statute and case law and the Council's *Convictions Policy (Policy & Guidelines relating to the Application of the "Fit and Proper Test" to Licensed Drivers and Operators)*. Specifically section F relating to the disqualification of a DVLA licence, which stated that an application would generally be refused unless the individual could show a period of 12 months had elapsed from the restoration of the DVLA licence.

The Panel noted that the applicant had been disqualified from driving for a period of 6 months from 10 August 2020 to 9 February 2021 and those 12 months had not yet elapsed. The Panel was not satisfied that the applicant had provided any reason for them to depart from the Policy and therefore decided not to grant the licence.

The Panel was of the view that the sanction imposed was appropriate and proportionate having regard to all the circumstances of this matter and having regard to the Council's adopted policy.

RESOLVED

That the application for a Private Hire Driver's Licence 4/2021 be refused.

16. URGENT ITEMS

There were no urgent items for consideration.

In closing the meeting, the Chair notified the Panel that on 12 November 2021 it had been appropriate to revoke a Private Hire Driver's Licence with immediate effect under s61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 in the interests of public safety.

CHAIR