COUNCIL MEETING – 14 JULY 2020

REPORT OF THE VIRTUAL LICENSING (REGULATORY) SUB-COMMITTEE (2)

15 June 2020

Present: Councillors Morrall (Chairman), Aslam and Bell.

Also present: Mrs A Wilcox, (Principal Environmental Health Manager), Ms A Walton-Miller (Legal Adviser/District Law) and Mrs C A Mundy, (Democratic Services Officer), (Meeting producers - Mrs F Hubbard and Mrs E Robinson.)

The meeting commenced at 10.45am.

1. **APPOINTMENT OF CHAIRMAN**

   **RESOLVED** that Councillor Morrall be appointed as chairman, for this sub-committee.

   The chairman welcomed everyone to this virtual sub-committee and reminded members of the meeting protocol; he welcomed and introduced everyone present, along with applicant who had joined the meeting using the conferencing call facility.

2. **APOLOGIES AND DECLARATIONS OF INTEREST**

   There were no apologies and no declarations made.

3. **EXCLUSION OF PRESS AND PUBLIC**

   **RESOLVED** that the press and public be excluded from the meeting during consideration of the following item in accordance with section 100A(4) to the Local Government Act 1972 on the grounds that they would involve the likely disclosure of exempt information of the description shown in schedule 12A to the Act.

4. **APPLICATION TO REVOKE OR SUSPEND PRIVATE HIRE DRIVER’S LICENCE**

   The annexed circulated exempt report of the principal environmental health manager was received in relation to the receipt of an application for a private hire driver’s licence for Mr M.

   The chairman asked the officer to present her report to the sub-committee.

   Mrs Wilcox explained that the application process required an applicant to declare if they had ever held a licence with another authority, and if so
whether it had ever been refused or revoked. The applicant had confirmed that he had held a licence with Transport for London (TFL) and that it had subsequently been revoked.

The applicant had provided a letter from TFL which stated that they had revoked the private hire driver’s licence due to issues uncovered in a ‘news programme’ over the authenticity of vocational qualification training certificates issued by Vista Training Solutions – a copy of this letter was appended to the report.

The applicant had appealed the decision and this was due to be heard at the Magistrates Court in July 2020. He had provided an explanation which was also appended to the report.

The licensing department had asked for clarification from TFL but had yet to receive a reply.

The licensing authority’s key objective is to ensure public safety. When determining an application the council has the following options:

- To approve the application;
- Refuse the application;
- Issue a warning;
- Require further training/retraining or other control measure to be put in place.

The chairman thanked Mrs Wilcox for her report.

The chairman asked if the applicant wished to present his case.

The applicant said that he had, in good faith, attended a training centre to undertake a course to assist him in becoming a private hire driver. The course had been held over a three day period and was followed by an examination. The applicant clarified that he had passed the exam and had applied for a licence as a private hire driver with TFL, which had been granted and he duly commenced work with Uber, and had enjoyed his job.

A television company had investigated the training centre for issuing authentic vocational qualification certificates by fraudulent means, and subsequently the applicant’s driver’s licence had been revoked by TFL. He explained that he was appealing the decision of TFL as he was honest and trustworthy, and believed that he had genuinely obtained his qualification. He had worked as a bus driver but had to leave that job following some personal issues with regard to his family’s health. He needed to have a more flexible job to enable him to look after his family through a recent difficult time they had experienced. His appeal date had
originally been in July but this would be heard at the Magistrates Court on 25 August 2020 now.

The chairman thanked the applicant, and asked members if they had any questions.

Councillor Bell asked the applicant if he still held a bus driver’s licence. The applicant confirmed that he did.

He was also asked to clarify that his appeal date had been moved back from July to August. The applicant confirmed this was the case.

Councillor Aslam asked why the applicant had applied for a licence in Wellingborough, rather than Luton, where he lived. The applicant clarified that he had a brother living in Wellingborough and that he knew it well and would be able to stay with his brother if he needed to.

The chairman asked Mrs Wilcox if she had any further questions. She had none.

Ms Walton-Miller asked the applicant where he would choose to work if his appeal with TFL was successful. The applicant said he would work wherever he could to provide for his family.

The chairman asked the applicant if he wished to add anything further, and whether he considered he had received a fair hearing. The applicant confirmed that he had nothing further to add and that he had received a fair hearing.

Ms Walton-Miller explained the decision process and that this would be notified to the applicant, in writing, within five days. The applicant also had the right to appeal the decision of the sub-committee.

The meeting was adjourned at 11am for deliberation.

Members and Ms Walton-Miller retired to deliberate the decision.

**DECISION:**

RESOLVED that the sub-committee decided, unanimously, that on the balance of probabilities the applicant was not a fit and proper person to be licensed with a private hire driver’s licence.
REASONS FOR DECISION:
The sub-committee considered all the material provided in the report of the Principal Environmental Health Manager which included a letter to the applicant from TFL as well as an email from the applicant dated 20th April 2020.

The sub-committee also heard from the applicant in person. He had advised that he was in the process of appealing the decision of TFL to revoke his licence and this hearing was currently listed to be heard by the Magistrates Court on 25th August 2020.

The sub-committee takes very seriously the fact that the applicant had only recently been granted a licence by TFL and this licence has been revoked after only a couple of months. However, owing to the fact that limited information had been provided by both the applicant and TFL and no decision has yet been made in relation to the court proceedings the sub-committee could not be satisfied, based on the information before it today, that the applicant was a fit a proper person to hold a licence.

The sub-committee was reminded of the options available when determining an application and was unanimous in its decision to refuse the applicant’s application for a private hire driver’s licence. The applicant is however permitted to re-apply once a decision has been made in relation to his ongoing court proceedings.

Chairman