

# North Yorkshire Council

## General Licensing and Registration Sub-Committee

Minutes of the meeting held on Monday, 13th November, 2023 commencing at 11.00 am.

Councillors Tim Grogan, Malcolm Taylor and Peter Wilkinson.

Officers present: Laura Venn, Head of Legal (Regulatory Services) and Anita Castle-Ward, Senior Licensing Officer.

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### **75 Election of Chair**

#### **The decision:**

That Councillor Tim Grogan be elected as Chair for the duration of the meeting.  
(Councillor Grogan in the Chair)

### **76 Apologies for Absence**

There were no apologies for absence.

### **77 Disclosures of Interest**

There were no declarations of interest.

### **78 Procedure for Meeting**

#### **The decision:**

The Sub Committee agreed the procedure for the meeting as outlined by the Chair.

### **79 Exclusion of the Press and Public**

#### **The decision:**

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the item of business at minute no 80 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

### **80 Application for the grant of a Hackney Carriage & Private Hire Driver Licence**

#### **The subject of the decision:**

The Corporate Director – Environment asked the Sub-Committee to consider whether a licence holder (“D”) was a fit and proper person to hold a hackney carriage and private hire driver licence.

**Alternative options considered:**

The Sub-Committee considered all of the options as set out in the officer's report but, having concluded that D was not a fit and proper person to hold a hackney carriage driver licence, the only suitable option was to refuse D's application for a hackney carriage and private hire driver licence.

**The reason for the decision:**

The Sub-Committee considered the Corporate Director's report, the application for a hackney carriage and private hire driver licence, D's oral representations and written submissions, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Sub-Committee was informed that D had previously been licensed with Hambleton District Council in 2015 for a period of approximately 9 months. In November 2015, D was stopped by a police officer for speeding. D failed a breathalyser test and was subsequently convicted of driving with excess alcohol. D was disqualified from driving for 15 months (which was later reduced by 15 weeks). D was also convicted of driving in excess of a 30mph speed limit. The Sub-Committee noted that the licensing enforcement officer's report from the time of the incident noted an alcohol reading of twice the legal limit.

D informed the Sub-Committee that on the day in question he had been watching a football match at home and had consumed 3 lagers and some wine. D was due to start his shift at 6.30pm. He stated that he had lost track of time and the amount he had to drink and left without thinking. D stated that he regretted his conduct and that he was seeking a second chance. D informed the Sub-Committee that he wasn't currently drinking alcohol and that driving was his passion.

D was accompanied to the hearing by his previous taxi employer who informed the Sub-Committee that up until the drink driving incident in November 2015 D had been a good driver and that he had received lots of compliments about D.

The Sub-Committee noted that the Council's Policy states that, following a drink driving conviction, applicants will not normally be granted a licence until at least seven years have elapsed since the completion of any sentence or driving ban imposed. The Sub-Committee noted that D's driving ban finished in January 2017, meaning that only 6 years and 10 months had elapsed since then.

The Sub-Committee was mindful that the timeframes contained within the policy are only a guide and not the test of whether an applicant is a fit and proper person to hold a hackney carriage and private hire driver licence which is much wider and takes into account, amongst other things, character, experience, criminal record and driving ability.

The Sub-Committee had serious concerns about the nature of the driving offence in 2015. On D's own evidence he had chosen to consume a large amount of alcohol only a very short time before he was due to pick up a fare, that D was reportedly twice over the legal limit when he was breathalysed and that he was speeding in a residential area. The Sub-Committee noted that D occupied a position of trust as a taxi driver at the time of the offence and he failed to demonstrate conduct befitting the trust that was placed in him.

The Sub-Committee also had concerns that had D not been stopped by the Police he would have continued to drive the public during that evening and put their safety and the safety of others at risk.

The Sub-Committee was mindful that, in accordance with Statutory Standards, the applicant should not be given the benefit of the doubt and where the applicant's fitness is only considered to be 50/50 they should not be granted a licence.

The Sub-Committee found that D had shown a distant lack of judgement which placed the public's safety at serious risk and it was not satisfied that D had overcome the concerns in order to be a fit and proper person to hold a licence.

**The decision:**

Taking account of the above and having given appropriate weight to the evidence the Sub-Committee reached the following conclusions:

The Sub-Committee was not satisfied that the applicant was a fit and proper person to hold a hackney carriage and private hire driver licence and the application was refused.

The meeting concluded at 11.50 am.