

COUNCIL MEETING – 11 JULY 2017

REPORT OF THE LICENSING SUB-COMMITTEE

20 April 2017

Present: Councillors Scarborough (Chairman), Simmons and Harrington

Also present: Mrs A Wilcox, (Principal Environmental Health Manager), Mr M O'Donnell, (Team Leader, Health Protection) and Mrs C A Mundy, (Democratic Services Officer).

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Scarborough be appointed as chairman.

2. EXCLUSION OF PRESS AND PUBLIC

RESOLVED that the press and public be excluded from the meeting during consideration of the following items 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 descriptions shown in schedule 12A to the Act.

Minute No.	Item	Exemption
3	Application to revoke or suspend private hire driver's licence	E1 and 2
4	Application to revoke, suspend or introduce new conditions to a private hire driver's licence	E1 and 2

3. APPLICATION TO REVOKE OR SUSPEND PRIVATE HIRE DRIVER'S LICENCE

The annexed circulated exempt report of the head of planning and local development was received in relation to a potential revocation or suspension of a private hire driver's licence.

The principal environmental health manager presented her report to the sub-committee.

She explained that the authority participated in the National Fraud Initiative (NFI) annually which is a data matching exercise to prevent and detect fraud.

This involved matching licensing data with Home Office immigration data, to identify potential cases of interest for the Home Office. The Home Office had notified the council that one of the council's licensed drivers had no right to work in the country and recommended that the driver's licence be revoked. The sub-committee was therefore asked to decide whether the licence holder remained a 'fit and proper person' to hold a private hire driver's licence. The licence holder failed to attend the meeting.

Members discussed the information at length and considered that the licence holder was not a 'fit and proper person' to hold a licence.

Decision:

RESOLVED that the private hire driver's licence for Mr C, be revoked.

Reason:

The sub-committee was not satisfied that the driver was a fit and proper person, due to his failure to inform the council about his immigration status and rights to work in the United Kingdom.

4. APPLICATION TO REVOKE, SUSPEND OR INTRODUCE NEW CONDITIONS TO A PRIVATE HIRE DRIVER'S LICENCE

The annexed circulated exempt report of the head of planning and local development was received in relation to the possible amendment, revocation or suspension of a private hire driver's licence.

The principal environmental health manager presented her report to committee.

Notification had been received from the police in October 2016 that the licence holder was the subject of a criminal investigation and was on police bail conditions, as further detailed within the report.

In March 2017 the bail conditions had been removed but the driver remained the subject of a criminal investigation and the case was to be considered by the Crown Prosecution Service.

Licensing officers had now been invited to attend a joint evaluation meeting with the local authority designated officer (LADO) on 5 May 2017.

The sub-committee was asked to decide whether the driver remained a 'fit and proper person' to hold a private hire driver's licence or whether they wished to consider adding conditions to the licence, suspension of the licence or revocation of the licence during the criminal investigation.

The licence holder failed to attend the meeting.

Members discussed the information before them and considered that with the small amount of information available to them, that they could not make a decision until after the multi-agency meeting had been held.

Decision:

RESOLVED that the hearing be adjourned until further information was received.

Reason:

The sub-committee considered that it did not have sufficient information to be able to make a final determination.

The sub-committee did, however, impose a condition on the driver's licence that he should not have any unsupervised contact with any child under the age of 18 whilst acting as a private hire driver until such time as the matter is brought back before a sub-committee.

The reason for imposing this condition is that the sub-committee heard evidence from licensing officer, Mr M O'Donnell, that the driver was prepared to accept such a condition on his private hire vehicle driver's licence having discussed the issue via telephone prior to 20 April 2017.

This matter is to be brought back before the sub-committee at the earliest available opportunity following the resolution of the criminal proceedings at issue.

Chairman

The chairman closed the meeting at 11.45am.

