

COUNCIL MEETING – 1 DECEMBER 2015
REPORT OF THE LICENSING SUB-COMMITTEE

9 October 2015

Present: Councillors Scarborough (chairman), Lloyd and Simmons.

Also present: Mr G Hollands, Solicitor District Law, Mrs A Wilcox, Principal Health Protection/Licensing Manager and Mrs C A Mundy, Democratic Services Officer.

(The hearing commenced at 10.00am.)

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Scarborough be appointed as chairman for this sub-committee meeting.

2. 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 descriptions shown in schedule 12A to the Act.

Min. no.	Item	Paragraph of Schedule 12A
3	Application for a private hire driver's licence Mr W R.	E1 and 2
4	Application to revoke hackney carriage licence Mr T M.	E1 and 2
5	Application for a private hire driver's licence	E1 and 2

3. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

The chairman welcomed the applicant to the sub-committee and introduced those present to him.

The exempt circulated report of the head of planning and local development was received in relation to an application for a private hire driver's licence for Mr R.

The licensing manager explained that relevant information had come before the authority from the Disclosure and Barring Service which may affect the committee's decision on whether the applicant was a fit and proper person to hold a private hire driver's licence. The committee was informed of the details within the enhanced disclosure.

The chairman asked the applicant if he wished to address the sub-committee.

He explained how the incidents referred to in the enhanced disclosure had occurred and accepted that he had been punished for his mistakes. With regard to one of the incidents he had been driving vehicles for a company and had assumed they were insured and that it was the company who had failed to insure the vehicle.

Members asked questions for clarification.

The chairman adjourned the meeting at 10.30am.

The meeting was reconvened at 10.45am.

RESOLVED that a private hire driver's licence be refused.

Reasons for decision:

- (i) the sub-committee took into account the policy relating to convictions and in particular that an applicant should be free from dishonesty convictions for three to five years.
- (ii) The applicant accepted that he had been convicted of an offence in 2010 and been sentenced to two years imprisonment;
- (iii) The sub-committee also noted traffic convictions in 2014 and an offence relating to drugs in 2008;
- (iv) Taken together the sub-committee considered this matter justified a conclusion that the applicant was not a fit and proper person to hold a licence at the present time.

Mr Hollands explained that the applicant had a right of appeal if he so wished.

The applicant left the meeting.

4. APPLICATION TO REVOKE OR SUSPEND HACKNEY CARRIAGE LICENCE

(The hearing commenced at 11am.)

The exempt circulated report of the head of planning and local development was received to consider whether to revoke or suspend a hackney carriage licence for Mr M.

The licensing manager explained that Mr M was in prison following sentencing and that although he had been informed of the meeting he was not in attendance. She explained the reason why Mr M was in prison and the sub-committee was asked to decide if he remained a fit and proper person to hold a hackney carriage driver's licence.

The sub-committee discussed the information before them.

RESOLVED that the licence be revoked.

The reason for this was as follows:

- (i) The committee noted the information from the Police that the applicant had been sentenced to six years in prison following conviction for distribution of heroin.
- (ii) It also noted the information from the licensing manager that the applicant had not responded to a letter sent to him in prison notifying him of the hearing.
- (iii) In the circumstances the sub-committee decided to proceed in the absence of the applicant;
- (iv) The sub-committee was satisfied of the reliability of the information from the Police. The offence was so serious that revocation was justified.

5. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

(The hearing commenced at 11.15am.)

The exempt circulated report of the head of planning and local development was received to decide on an application for a private hire driver's licence by Mr P.

The licensing manager explained that the applicant was not in attendance despite having been served with the papers in the normal way.

The sub-committee decided to deal with the application in the absence of the applicant and heard from the licensing manager details of the enhanced disclosure from the Disclosure and Barring Service along with the applicant's failure to pass the comprehension test.

RESOLVED that the licence be refused. The applicant had failed to attend and was not represented. Having heard from the licensing manager that papers had been properly sent by post, and that other applicants sent papers at the same time had attended, and that this was not a reason to rebut the prescription of receipt, the committee decided to proceed.

The reasons for the decision were as follows:

- (i) the sub-committee heard from the licensing manager that the applicant had failed his comprehension test. He also had difficulty communicating with licensing officers;
- (ii) the sub-committee did not consider that the driving offences were sufficient to reduce the licence because of their age;
- (iii) the applicant, however, could not be considered a fit and proper person because of his lack of understanding of English and accordingly the licence was refused.

5. APPLICATION TO REVOKE OR SUSPEND HACKNEY CARRIAGE DRIVER'S LICENCE

(The hearing commenced at 11.30am.)

The annexed circulated exempt report of the head of planning and local development was received to consider the potential revocation or suspension of Mr C's hackney carriage driver's licence following a conviction on 1 September 2015.

The chairman welcomed Mr C, his wife, his interpreter and a character witness to the meeting and introduced everyone in attendance.

The licensing manager informed the sub-committee of a prosecution that had taken place under the Council's Byelaws for hackney carriages for his failure to use his taxi-meter. Failure to use the meter invalidated his insurance and he was prosecuted for driving with invalidated insurance as well. The court found him guilty of both offences and he was fined a total of £450 with £350 costs and a £45 victim surcharge. This was considered a serious conviction under the licensing policy where revocation could be considered.

The chairman asked if Mr C or his interpreter wished to address the committee. The interpreter spoke on Mr C's behalf expressing his remorse and dismay that he had been prosecuted. He did not recall the incident and considered himself to be honest and trustworthy. He considered that the fine he had received was very harsh and was worried about his livelihood. He informed the sub-committee that he intended to appeal the decision of the Magistrates court.

Mr C's character witness also addressed the meeting. He had known the family for a number of years and had always found them to be honest and hardworking. He considered that revocation of the current licence would be extremely harsh considering the fine that he had already had against him.

The chairman adjourned the meeting at 11.50am.

The chairman reconvened the meeting at 12.10pm.

RESOLVED that no action be taken.

Reasons for decision:

- (i) the sub-committee heard detailed representations of good character from two witnesses;
- (ii) the sub-committee noted the serious consequences of the driver's actions in terms of the criminal convictions that had resulted;
- (iii) the sub-committee also noted the small amount of money involved and the driver's previous good record;

- (iv) in the circumstances the sub-committee concluded that there was insufficient evidence to justify revocation.

Chairman.....

The chairman closed the meeting at 12.20pm.