

COUNCIL MEETING – 23 FEBRUARY 2017
REPORT OF THE LICENSING SUB-COMMITTEE

27 January 2017

Present: Councillors Maguire, Morrall and Simmons.

Also present: Mrs A Wilcox,(Principal Environmental Health Manager), Mr J Chadwick, (Solicitor District Law), Mrs C Mundy, (Democratic Services Officer) and Miss N Harewood, (Governance Officer).

The meeting commenced at 9.30am

1. APPOINTMENT OF CHAIRMAN:

RESOLVED that Councillor Simmons 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 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.	Title	Exemption
3	Application for private hire driver's licence	E1 and 2
4	Application to revoke or suspend a private hire driver's licence and Hackney Carriage driver's licence	E1 and 2

3. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

The annexed 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 L.

The chairman welcomed Mr L to the meeting.

The Principal Environmental Health Manager presented the report to the sub-committee.

The application was for a private hire driving licence. Relevant information had come before the authority which may affect the decision as to whether Mr

L was a 'fit and proper' person to hold a private hire driver's licence, as prescribed by the Local Government (Miscellaneous Provisions) Act 1976.

The chairman asked the applicant if he wished to address the meeting.

The applicant confirmed that the information on the Disclosure and Barring Services records related to incidents, the majority of which had happened over 25 years ago. He had previously held a licence for 15 years driving in Wellingborough, which had lapsed due to serious illness. During the period he held such licence there had been no issues.

The Principal Environmental Health Manager confirmed that this was correct and that there had been no issues during the time the applicant held a licence.

The chairman adjourned the meeting at 9.50am. The meeting reconvened at 9.55am.

Decision:

Resolved that the private hire driver's licence be granted.

Reason:

The sub-committee was satisfied that the applicant was a fit and proper person.

4. APPLICATION TO REVOKE OR SUSPEND A PRIVATE HIRE DRIVER'S LICENCE AND HACKNEY CARRIAGE DRIVER'S LICENCE

The annexed circulated report of the Head of Planning and Local Development was received in relation to the potential revocation or suspension of a private hire driver's licence and hackney carriage driver's licence.

The chairman welcomed Mr S and his representative and colleague to the meeting

The Principal Environmental Health Manager presented her report to committee. She informed the meeting that Mr S held both a private hire and hackney carriage driver's licences which had both been issued on 29 November 2016 and would expire on 30 November 2019. At the time of renewal, information was awaited from the Disclosure and Barring Service. As Mr S was an existing licence holder the licenses were issued on the basis that he was a 'fit and proper' person to hold such licenses. When the DBS information was received it highlighted an incident from August 2015 which officers had not been notified of and the sub-committee was now being asked to make a decision as to whether Mr S remained a fit and proper person to hold such licences.

The chairman asked Mr S if he understood why he was before the sub-committee. He confirmed that he did and asked that his representative speak on his behalf. This was agreed by the chairman.

Mr S's representative addressed the meeting. He explained that he had recently met Mr S and had ascertained that he had purchased a business in August 2015, becoming a Director thereof and employing a manager to run it on his behalf. Within a few days of purchasing the business Trading Standards had visited and found some safety issues for which he had subsequently been prosecuted. He had then sold the business. He had not notified the Licensing Section as he did not realise that any conviction needed to be reported, he thought this only related to driving convictions.

Councillors asked questions of Mr S, including whether he had realised that on buying the company that he could be personally liable. Mr S confirmed that he had not been aware of this and following the issue had immediately sold the company.

He was also asked whether he had fully read and understood the council's policy. Mr S confirmed that he could read English well but did not always fully understand.

The Principal Environmental Health Manager addressed Mr S and clarified that it was of great importance that he had read and understood the policy; if he was having difficulty in doing so he needed to speak to the Licensing Section who would help him.

The chairman adjourned the meeting at 10.30am. The meeting was reconvened at 10.45am.

Decision:

Resolved that no further action be taken.

Reason:

The sub-committee was satisfied that the driver remained a fit and proper person notwithstanding the offences disclosed by the Disclosure Barring Service check and the failure to disclose those offences in his renewal application.

The sub-committee strongly urged the driver to read the driver conditions and policies as they apply to drivers and to discuss these issues with a Licensing Officer in the near future so as to demonstrate his understanding of the same.

The chairman closed the meeting at 11am.

Chairman

