

**GENERAL LICENSING COMMITTEE**  
**29<sup>TH</sup> MAY, 2012**

**PRESENT** – Councillor Nutt (in the Chair) Councillors B. Jones, Lawton, Newall, L. Haszeldine, Stenson, Thistlethwaite, J. Vasey and L. Vasey. (9)

**APOLOGIES** – Councillors C. Hughes, Lee, D. Jones and J. Lyonette. (4)

**L1. CONSIDERATION OF TIMINGS OF MEETINGS FOR THE REMAINDER OF THE MUNICIPAL YEAR 2012/03** – That for the remainder of this Municipal Year the timings of meetings of this Committee be held at 9.30 a.m.

**L2. DECLARATIONS OF INTEREST** – Councillor L. Haszeldine declared a personal and prejudicial interest in respect of L5 (3) and (4) below, as one applicant lived in her Ward and considered the other to be an associate and left the meeting taking no part in the discussion or voted there on.

Councillor Lawton declared a personal and prejudicial interest in respect of L5 (2) below, as the applicant was known due to family contact and left the meeting taking no part in the discussion or voted there on.

**L3. MINUTES** – Submitted – The Minutes (previously circulated) of the meetings of this Licensing Committee held on 1<sup>st</sup> May 2012.

**RESOLVED** – That the Minutes be approved.

**L4. EXCLUSION OF THE PUBLIC – RESOLVED** – That, pursuant to Sections 100A (4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraphs 1, 7 and 14 of Part I of Schedule 12A to the Act.

**L5. DETERMINATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE APPLICATIONS AND REVIEWS OF DRIVER LICENCES (EXCLUSION PARAGRAPH NOS 1 AND 7)** – The Director of Place submitted a report (previously circulated) inviting Members to consider a review of a Hackney Carriage Driver Licence and Vehicle Licence and review of three Hackney Carriage Driver Licences in light of relevant convictions, cautions, medical issues and other incidents.

**(1) Ref. No. 011/12** – A review of a Hackney Carriage Driver Licence in the light of a licensing conviction for leaving a Hackney Carriage Vehicle unattended on a rank contrary to Section 8e of the Council's Hackney Carriage Byelaws 1990. The driver was issued with a written warning for a similar offence in 2011. The driver addressed the meeting and responded to Members questions in relation to the offences, and to why he was a fit and proper person to hold a Hackney Carriage Driver Licence.

After careful consideration, Members discussed the driver's case and agreed that if drivers had to leave their Hackney Carriages in a public place to attend to personal matters, they should ensure that vehicles are removed from the working rank, and parked in a proper manner. Members afforded the benefit of the doubt in relation to this matter after he had already been fined from the court proceedings. Members felt that the driver should be reminded that this Council expects high standards of conduct from all of its licensed drivers and that drivers should

show respect to Licensing Enforcement Officers carrying out their duties and remember that whilst driving a licensed Hackney Carriage drivers are in many ways representing the image of the town.

**RESOLVED** – That the licence be retained and the driver be issued with a warning letter in respect of future conduct and warned that if any further convictions, cautions, warnings or reprimands are received they would be referred immediately to the Licensing Committee.

(2) **Ref. No. 12/12** – A review of a Hackney Carriage Driver Licence in the light of a licensing conviction for leaving a Hackney Carriage Vehicle unattended on a rank contrary to Section 8e of the Council’s Hackney Carriage Byelaws 1990.

After careful consideration, Members discussed the driver’s case and took into account his previous history given that he has not received a conviction in 12 years and felt that a warning letter should be issued reminding the driver that if he had to leave his Hackney Carriage in a public place to attend to personal matters, he should ensure that the vehicle is removed from the working rank, and parked in a proper manner.

**RESOLVED** – That the licence be retained and the driver be issued with a warning letter in respect of future conduct and warned that if any further convictions, cautions, warnings or reprimands are received they would be referred immediately to the Licensing Committee.

(3) **Ref. No. 10/12** – A review of a Hackney Carriage Driver Licence and Vehicle Licence in the light of two undisclosed serious convictions of persistently soliciting a woman for prostitution from a motor vehicle or cause annoyance/nuisance to others. The driver had previously appeared before the Committee in respect of traffic offences and had been issued with a final warning letter as Members had expressed concerns at the number of differing convictions. The two recent convictions were not traffic related and the driver had not informed the Council, as required to do so in accordance with the Hackney Carriage Byelaws. The driver addressed the meeting and responded to Members questions in relation to the offences, and to why he was a fit and proper person to hold a Hackney Carriage Driver Licence.

After careful consideration the Members decided to revoke his Hackney Carriage Driver Licence and his Hackney Carriage Vehicle Licence in accordance with the provisions of Sections 60 and 61 of the Local Government (Miscellaneous Provisions) Act 1976. Members concluded that the driver could no longer satisfy the Council that he was a fit and proper person to hold both licences on the following grounds: Members considered public safety to be paramount and that, in the light of these two convictions, they were seriously concerned that he posed a danger to members of the public; that he had failed to heed a final warning issued by the Licensing Committee on 15 April 2008; and that Members were of the opinion that he had not been truly honest to officers and the Committee in relation to these offences. Members were also extremely concerned that he had used his Hackney Carriage in the commission of the offences. Members considered it to be in the interests of public safety to revoke the licence with immediate effect.

**RESOLVED** – That both licences be revoked with immediate effect in the interests of public safety in accordance with the provisions of Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

(4) **Ref. No. 13/12** – A review of a Hackney Carriage Driver Licence in light of a speeding conviction and failing to report the matter to the Licensing Department. The Principal Licensing

Officer read out an email from the applicant advising that he was unable to attend the Committee meeting due to being unable to rearrange his diary.

After careful consideration, Members decided that the driver should be required to attend the Committee to answer any questions that they may have about this matter.

**RESOLVED** – That the application be deferred and considered at the next meeting of the Committee scheduled to be held on Tuesday 26<sup>th</sup> June, 2012 and the driver be advised that if he does not attend on that occasion that the matter will be dealt with in his absence.

(Notes – (a) Councillor Lawton was only present for consideration of L5 (1).

(b) Councillor L. Haszeldine was only present for consideration of L5 (1) and (2).)