

GENERAL LICENSING COMMITTEE
1ST MAY, 2012

PRESENT – The Mayor; Councillors Nutt (in the Chair) Councillors C. Hughes, B. Jones, D. Jones, Lawton, Lee, J. Lyonette, Newall, S. Richmond, Stenson, Thistlethwaite and J. Vasey. (13)

L59. DECLARATIONS OF INTEREST – Councillor J. Lyonette declared a personal and prejudicial interest in respect of L62. (1) below, as he knew the complainant and left the meeting taking no part in the discussion or voted there on.

L60. MINUTES – Submitted – The Minutes (previously circulated) of the meetings of this Licensing Committee held on 27th March 2012.

RESOLVED – That the Minutes be approved.

L61. 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.

L62. 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 an application for a Private Hire Driver Licence in the light of a relevant conviction, the deferred review of a Hackney Carriage Driver licence in the light of a licensing conviction and also the review of a Hackney Carriage Driver in the light of a complaint about conduct.

(1) Ref. No. 08/12 – An application for a Private Hire Driver Licence in light of a drink driving conviction in 2008 which led her to surrender previous her licence.

The applicant addressed the meeting and responded to Members questions in relation to the offences, and to why she was a fit and proper person to hold a Private Hire Driver Licence.

After careful consideration, Members discussed the applicants' case and agreed that this appeared to be an isolated incident as there was no previous history and felt that the conviction was due to exceptional circumstances. Members believe that the applicant is not a danger to the general public and that she appeared to be a responsible person given her responsibilities she has as a mother and carer.

RESOLVED – That the licence be granted 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. 06/12 – Pursuant to L57(1)/March/2012 a review of a Hackney Carriage Driver Licence in the light if a licensing conviction for failing to engage the taximeter, although, the driver had had claimed that the meter had suffered an electrical fault. At the previous meeting of the Committee the applicant was unable to attend and asked that the matter be dealt with in his absence and Members agreed to defer consideration given the conflict of explanation about the

taxi meter and requested that the applicant be advised that if he failed to attend again without good reason it was likely that his licence would be suspended until such time as he did attend the Committee.

The Principal Licensing Officer tabled a letter from the applicant advising that he was unable to attend the meeting and that he would not be renewing his Hackney Carriage Driver Licence in the future. Members therefore agreed to proceed in his absence. Members considered the submitted letter and expressed concerns about failing to engage his taxi meter.

RESOLVED – That the Hackney Carriage Driver Licence be suspended, until the such time when the applicant is able to attend the Committee meeting or voluntarily surrenders his badges.

(3) Ref. No. 09/12 – A review of a Hackney Carriage Driver Licence in light of a complaint about conduct. The Licensing Department received a complaint from the Council’s School Transport Section in respect of the drivers conduct following a routine school collection. The complaint stated that an altercation took place following the taxi driver driving close to where ladies were stood with pushchairs. The Principal Licensing Officer tabled three statements from Teaching Assistants that witnessed the incident and drew Members’ attention to the statement of the Passenger Assistant who was in the car with the driver.

The applicant 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 decided that there was no doubt that an incident had taken place but were unable to completely agree the details of what was actually said and took into account the drivers past history in respect of speeding convictions and perceived this incident to be a one off.

RESOLVED –That no action be taken.