

**GENERAL LICENSING COMMITTEE
19 NOVEMBER 2013**

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

APOLOGIES – Councillors D. Jones, Lee, J. Lyonette and Stenson. (4)

L33. DECLARATIONS OF INTEREST – No declarations of interest were made at the meeting.

L34. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Licensing Committee held on 22nd October 2013.

RESOLVED – That the Minutes be approved.

L35. OUTCOME OF RECENT COURT PROCEEDINGS – The report of Director of Place (previously circulated) advising Members of the outcome of recent Court proceedings in relation to licensing matters. The submitted report provided details for an individual relating to the outcome of a Court Appeal against a decision made by the Licensing Committee.

RESOLVED – That the contents of the report be noted.

L36. 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 and 7 of Part I of Schedule 12A to the Act.

L37. REVIEW OF A PRIVATE HIRE DRIVER LICENCE – The Director of Place submitted a report (previously circulated) inviting Members to consider an application for a Private Hire Driver Licence and to review a Hackney Carriage Driver Licence.

(1) Ref. No. 20/13 Pursuant to Minutes L13/1 July/2013 a further application for a Private Hire Driver Licence in light of offences and medical issues.

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

In reaching their decision, Members referred to the Council's Policy which was last approved by full Council in January 2012 which states that 'applicants with a conviction, caution, reprimand or final warning involving public order offences will normally be refused a licence. An application will however be considered where the applicant can show at least three years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or three years from completion of any custodial sentence imposed, whichever is the later.' After a detailed discussion, Members were unable to find any exceptional circumstances which would make them be prepared to depart from the Policy.

Members considered the clearly inconsistent medical evidence and expressed concern that no clear reference was made to the Group II medical standards, particularly as there was information about alcohol misuse as recently as December 2012. Members also took into account the applicants' previous history which all were alcohol related and particularly the recent fixed penalty notice for being drunk and disorderly.

RESOLVED – That the application be refused.

(2) Ref. No. 21/13 An application to review a Hackney Carriage Driver Licence in light of a complaint from a Civil Enforcement Officer that led to the driver being prosecuted in the magistrates courts and given a conditional discharge for a period of six months for failing to behave in a civil and orderly manner.

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

In reaching their decision, Members expressed concerns at the driver's behaviour during this incident and made it clear that they considered it to be a serious matter when Council employees are abused in this way. Members noted the drivers' expression of regret that this had happened and that fact that he had accepted responsibility for his actions

Members discussed suggesting the driver to write a letter of apology to the Officer concerned and the Chair of the Committee meeting with the Officer offering reassurance that Members take these sorts of incidents extremely seriously.

RESOLVED – That the licenced be retained and the driver be issued with a warning letter reminding the driver that any further caution or conviction; incidents or offences of any kind would result in the immediate return to the Committee for a further review of the licence.