

**GENERAL LICENSING COMMITTEE
17 DECEMBER 2013**

PRESENT – Councillors Nutt (in the Chair), C.L.B. Hughes, B. Jones, Lawton, Lee, Newall, Stenson, Thistlethwaite, J. Vasey and L. Vasey. (10)

APOLOGIES – Councillors L. Haszeldine, D. Jones and J. Lyonette. (3)

L38. DECLARATIONS OF INTEREST – Councillor Thistlethwaite declared a non-pecuniary interest in respect of L41(3) below, as he knew the friend accompanying the applicant and left the meeting taking no part in the discussion or voted there on.

L39. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Licensing Committee held on 19th November 2013.

RESOLVED – That the Minutes be approved.

L40. 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.

L41. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE REVIEWS – The Director of Place submitted a report (previously circulated) inviting Members to consider reviews of Hackney Carriage and Private Hire Driver Licences in the light of motoring offences and/or complaints about conduct.

(1) Ref. No. 24/13 An application to review a Hackney Carriage Driver Licence in light of a speeding offence and being disqualified from driving for three months.

RESOLVED – That the application be withdrawn as the Driver had surrendered his Hackney Carriage Driver Licence.

(2) Ref. No. 25/13 An application to review Hackney Carriage and Private Hire Driver Licences in respect of a complaint received about the Driver's conduct.

The complainant attended the meeting and addressed Members answered questions and provided clarification about her complaint.

The Driver and his step daughter, for support, attended the meeting and the driver responded to Members' questions in relation to the complaint and his criminal record and to why he felt he was a fit and proper person to hold a Hackney Carriage and Private Hire Driver Licence.

In reaching their decision, Members discussed the complaint received and felt that the complainant was justified in making the complaint and believed that the driver had in fact said what it was alleged. Members took the complaint extremely seriously and considered the driver's previous history and his good service as a Taxi Driver over 25 years.

RESOLVED – That the Licences be retained and the driver be issued with a final warning letter in respect of his future conduct and warned that if he receives any further convictions, cautions, warning or reprimands of any kind this would result in his immediate return to the Licensing Committee for a further review of his licences and it was unlikely that he would be permitted to retain his licences.

(3) Ref. No. 26/13 An application to review a Hackney Carriage Driver Licence in respect of a complaint received about the Driver's conduct.

The Driver attended the meeting with his girlfriend and a friend for support and addressed the meeting and responded to Members' questions in relation to the complaint and his criminal record and to why he felt he was a fit and proper person to hold a Hackney Carriage Driver Licence. The driver tabled letters from his passengers in support that he was a fit and proper person, a letter from his girlfriend and extracts from Facebook, which prompted the conversation which resulted in the complaint being received.

In reaching their decision, Members considered the contradictory evidence and believed that it was an inappropriate conversation to be having with any passenger in the taxi, but did not believe that the driver had expressed his own views. Members balanced this with all the letters of support received and considered the driver's past history.

RESOLVED – That the Licence be retained and the driver be issued with a final warning letter in respect of his future conduct and warned that if he receives any further convictions, cautions, warning or reprimands of any kind this would result in his immediate return to the Licensing Committee for a further review of his licence and it was unlikely that he would be permitted to retain his licences.

(4) Ref. No. 23/13 An application to review a Hackney Carriage Driver Licence in light of receiving a fixed penalty notice for selling alcohol to a person under the age of eighteen years old.

The Driver attended the meeting with his girlfriend and friend for support and addressed the meeting, responded to Members' questions in relation to the recent offence and his criminal record and to why he felt he was a fit and proper person to hold a Hackney Carriage Driver Licence.

In reaching their decision, Members did consider revocation of the driver's licence and gave consideration to his past history of offences. Members believed that this was an isolated incident and as he was not a trained member of staff, he was not aware of the Challenge 25 Policy operated by the premises. Members believed that the driver needed to understand that his actions and behaviour reflect his position as a Taxi Driver and as such he is always expected to behave in a civil and orderly manner and that being a Taxi Driver is a privilege and not a right.

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

(5) Ref. No. 22/13 An application to review Hackney Carriage and Private Hire Driver Licences in light of two offences of using a mobile phone while driving, which only came to light when the driver applied to renew his licences in June 2013.

Members decided to consider the review in the driver's absence as they felt that he had been given sufficient notice of the meeting.

In reaching their decision, Members were extremely concerned that the driver had been convicted on two separate occasions for the offence of using a mobile phone whilst driving and concerned that he had failed to notify the Council of those convictions within seven days as required by conditions attached to his Private Hire Driver Licence and byelaws in respect of his Hackney Carriage Driver Licence. Members felt that in this case the Council's knowledge test was required to reassure them that the driver was fully acquainted with the obligations of a licensed Hackney Carriage and Private Hire Driver with regards to the usage of a mobile phone whilst driving, and the requirement to report all offences within the requisite period.

Members also considered the driver's history of offences, they felt that due to the number of vehicle offences and the fact that they were serious incidents that compromised public safety; the driver should be required to successfully complete the Driver Improvement Scheme (DIS) at his own expense.

RESOLVED – (a) That the Licences be retained and the driver be issued with a final warning letter in respect of his future conduct and warned that if he receives any further convictions, cautions, warning or reprimands of any kind this would result in his immediate return to the Licensing Committee for a further review of his licences and it was unlikely that he would be permitted to retain his licences.

(b) That the driver be required to successfully undertake the Driver Improvement Scheme (DIS) at his own expense, prior to 31st March 2014.

(c) That the driver also be required to successfully undertake the Council's knowledge test, prior to 28 February 2014.

(Notes:-

- i. Councillors Lawton and Stenson left the meeting and were not present for consideration of L41 (4) onwards.
- ii. Councillors C. L. B. Hughes and B. Jones left the meeting and were not present for consideration of L41 (5).)