

## GENERAL LICENSING SUB COMMITTEE

30 AUGUST 2016

**PRESENT** – Councillors L Haszeldine, B Jones, Kane, Lee and Nutt. (5)  
**OFFICERS** –David Burrell, Private Sector Housing and Licensing Manager;  
Julie Richings, Principal Licensing Officer; Amy Wennington, Lawyer; and  
Allison Hill, Democratic Officer.

**LGS5. ELECTION OF CHAIR – RESOLVED** – That Councillor Nutt be elected Chair for the purpose of this meeting.

**LGS6. DECLARATIONS OF INTEREST** – There were no declarations of interest reported at the meeting.

**LGS7. 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.

**LGS8. REVIEW OF HACKNEY CARRIAGE DRIVER LICENCE REF NO 6/16** – The Director of Economic Growth submitted a report (previously circulated) to give consideration to a review of a Hackney Carriage Driver Licence following the suspension of his driver licence by the Licensing Manager on 22 March 2016 due to his loss of consciousness at the wheel of his Hackney Carriage Vehicle on 18 March 2016.

The driver attended the meeting and responded to Members questions in relation to the above, and to why they felt that they were a fit and proper person to hold a Hackney Carriage Driver Licence.

In reaching their decision, Members took into consideration the Council's Licensing Policy and the Local Government (Miscellaneous Provisions) Act 1976 at Section 61 permits a Local Authority to suspend, revoke or refuse to renew the licence of a driver of a Hackney Carriage or Private Hire vehicle on the grounds of the commission of certain offences or for any other reasonable cause.

After careful consideration the Members decided to revoke the Hackney Carriage Driver Licence and advised that whilst the driver can reapply for their licence at any time, they were advised such an application before 18 March 2017 would not be given serious consideration.

Members also agreed that any further application for the grant of a Licence would be subject to the driver's ability to comply with Section 57 of the Local Government (Miscellaneous Provisions) Act 76 to Group 2 standards in relation to his medical fitness.

**RESOLVED** – (a) That the Licence be revoked under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

(b) That in accordance with Section 52 of the Road Safety Act 2006 this revocation will take effect immediately in the interests of public safety.

**LGS9. REVIEW OF HACKNEY CARRIAGE DRIVER LICENCE REF NO. 9/16 –**

The Director of Economic Growth submitted a report (previously circulated) to give consideration to a review of a Hackney Carriage Driver Licence following information that came to light during the application process that for 160 days between 13 May and 19 October 2015 there was no current MOT for the vehicle.

The driver attended the meeting and responded to Members questions in relation to the above, and to why they felt that they were a fit and proper person to hold a Hackney Carriage Driver Licence.

In reaching their decision Members took into consideration the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; the Council's Licensing Policy that advises that the Council will consider it extremely serious when existing holders of licences receive convictions, cautions, reprimands or warnings for criminal or licensing matters or receive complaints which result in disciplinary action and that existing holders of licences may expect the council to consider revoking their licence; and Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members agreed to permit the driver to retain their licence and issue a warning in respect of this matter.

**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 General Licensing Sub Committee

**LGS10. REVIEW OF HACKNEY CARRIAGE DRIVER LICENCE REF NO. 10/16 –**

The Director of Economic Growth submitted a report (previously circulated) to give consideration to a review of a Hackney Carriage Driver Licence with regard to a complaint made to the Licensing Office on 19 October 2015 regarding the driver leaving his hackney carriage unattended on a rank and that between 23 August 2015 and 12 October 2015 the vehicle did not have a valid MOT certificate.

The driver attended the meeting and responded to Members questions in relation to the above, and to why they felt that they were a fit and proper person to hold a Hackney Carriage Driver Licence.

In reaching their decision Members took into consideration the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; the Council's Licensing Policy that advises that the Council will consider it extremely serious when existing holders of licences receive convictions, cautions, reprimands or warnings for criminal or licensing matters or receive complaints which result in disciplinary action and that existing holders of licences may expect the council to consider revoking their licence; and Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members agreed to permit the driver to retain their licence and issue a warning in respect of these matters.

**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 General Licensing Sub Committee

**LGS11. REVIEW OF PRIVATE HIRE DRIVER LICENCE REF NO. 11/16** – The Director of Economic Growth submitted a report (previously circulated) to give consideration to a review of a Hackney Carriage Driver Licence following the surrender of the licence by the licence holder on 22 June 2016.

In reaching their decision Members took into consideration the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; the Council's Licensing Policy that advises that the Council will consider it extremely serious when existing holders of licences receive convictions, cautions, reprimands or warnings for criminal or licensing matters or receive complaints which result in disciplinary action and that existing holders of licences may expect the council to consider revoking their licence; and Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976.

In light of the surrender of the licence Members agreed to formally revoke the licence.

**RESOLVED** - That licence be revoked with immediate effect in the interests of public safety in accordance with the provisions of Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976.

**LGS12. DETERMINATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE REF NO. 12/16** – The Director of Economic Growth submitted a report (previously circulated) to give consideration to an application for a Private Hire Driver Licence in light of relevant convictions.

The applicant attended the meeting and responded to Members questions in relation to the relevant convictions, and to why they felt that they were a fit and proper person to hold a Private Hire Driver Licence.

In reaching their decision, Members took into consideration the Council's Licensing Policy in assessing whether the applicant is a fit and proper person to hold a licence; Section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976; and with regard to the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures.

After careful consideration the Members decided to grant the licence and agreed on this occasion being exceptional reasons for them to depart from the Council's policy that the last conviction was in 2003 and the driver appeared to have turned their life around since then following a spell in rehab and a prison sentence. The Members agreed to issue a warning in respect of conduct.

**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 General Licensing Sub Committee.