

GENERAL LICENSING SUB COMMITTEE

13 MARCH 2018

PRESENT – Councillors B Jones, Mrs D Jones, Kane, Lawton and Newall. (5)

OFFICERS – Julie Richings, Principal Licensing Officer; Leanne Maloney-Kelly, Licensing Officer; Brian Murray, Licensing Officer; Amy Wennington, Lawyer; Bethany Symonds, Lawyer; and Allison Hill, Democratic Officer.

LGS21. ELECTION OF CHAIR – RESOLVED – That Councillor Kane be elected Chair for the purpose of this meeting.

LGS22. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

LGS23. 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.

LGS24. APPLICATION FOR GRANT OF PRIVATE HIRE DRIVER LICENCE and REVIEW OF PRIVATE HIRE DRIVER LICENCE – The Director of Economic Growth submitted a report (previously circulated) to give consideration to an application for the grant of a Private Hire Driver Licence in the light of a conviction; and to review a Private Hire Driver Licence in light of a recent undeclared motoring conviction.

(1) Ref. No. 04/18 – To give consideration to a review of Private Hire Driver Licence in light of a recent undeclared motoring conviction.

The driver had attended the Town Hall on the date of the meeting but did not participate in the meeting and had advised Officers that he could not remain for his review to be considered because he needed to leave to look after his children.

The Members dealt with this matter in the driver's absence and, after careful consideration, decided to suspend the licence with immediate effect, pending the outcome of the driver's court case.

Members agreed the suspension to be necessary to do so in the interests of public safety as they felt that the driver did not realise the importance of abiding by speed limits and they therefore concluded that an immediate suspension was required in order to protect the public who could potentially be travelling with the driver.

RESOLVED – (a) That the Private Hire Driver Licence be suspended under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 as the licence

holder could no longer satisfy this Council that they were a fit and proper person to hold this driver licence.

(b) That in accordance with the provisions of Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 the suspension should take immediate effect.

(2) Ref. No. 05/18 – To give consideration to an application for the Grant of a Private Hire Driver Licence in the light of a conviction.

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 Private Hire Driver Licence.

In reaching their decision, Members took into consideration the Council's Licensing Policy, which sets out the Council's stance on the Relevance of Convictions, Cautions and Endorseable Fixed Penalties and in assessing whether an applicant is a fit and proper person; Section 51 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976; and the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures.

After careful consideration Members decided to grant the licence and give the driver the benefit of the doubt as they believed that they had learnt their lesson, but in doing so, Members agreed that they did not condone the driver's actions and therefore required the Licensing Manager to issue the driver with a warning about their 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.