

GENERAL LICENSING SUB COMMITTEE

1 MAY 2018

PRESENT – Councillors Donaghue, B Jones, Kane, Lee and Nutt. (5)

OFFICERS –David Burrell, Private Sector Housing and Licensing Manager; Julie Richings, Principal Licensing Officer; Leanne Maloney-Kelly, Licensing Officer; Brian Murray, Licensing Officer; Amy Wennington, Lawyer; Bethany Symonds, Lawyer; and Karen Graves, Democratic Officer.

LGS25. ELECTION OF CHAIR – RESOLVED – That Councillor Nutt be elected Chair for the purpose of this meeting.

LGS26. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

LGS27. 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.

LGS28. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES – The Director of Economic Growth submitted a report (previously circulated) to give consideration to two applications for the grant of a Private Hire Driver Licence in the light of previous convictions; an application for the grant of a Private Hire Driver licence in light of a current conviction; to review a Hackney Carriage Driver Licence in light of a motoring conviction; and to review a Private Hire Driver Licence in light of a complaint regarding the driver's behaviour whilst driving the vehicle.

(1) Ref. No. 06/18 – To give consideration to the grant of Private Hire Driver Licence in 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 although Members were concerned about the drivers past behaviour, they noted that it had

been a number of years since the conviction which was when the driver was 19 years old and it was the only conviction on the drivers record. The Members were confident that they would be comfortable with the driver transporting their loved ones alone in the vehicle and that there were exceptional reasons to depart from their Policy regarding applicants with a conviction for a sexual offence.

RESOLVED – That the licence be granted.

(2) Ref. No. 7/18 – To give consideration to the grant of a Private Hire Driver Licence in light of previous convictions.

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 as they believed that the driver had changed as they no longer drank alcohol and no further offences had been committed in the last 24 years. The Members stated that they would be comfortable having the driver transport their loved ones alone in the vehicle however stressed that they did not condone the actions and therefore required the driver to receive 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 may be referred immediately to the General Licensing Sub-Committee.

(3) Ref. No. 8/18 – To give consideration to the grant of a Private Hire Driver Licence in light of a current conviction.

The driver did not attend the meeting.

RESOLVED – That the application be deferred and considered at the next meeting of the Committee scheduled to be held on 10 July 2018 and the driver be advised that if he does not attend on that occasion that the matter will be dealt with in his absence.

(4) Ref. No. 9/18 – To give consideration to a review of a Hackney Carriage Driver Licence in light of a motoring conviction which resulted in the application having nine penalty points on his driving licence.

The driver did not attend the meeting but had advised the Principal Licensing Officer that he would be out of the country on the date of the meeting.

RESOLVED – That the application be deferred and considered at the next meeting of the Committee scheduled to be held on 10 July 2018 and the driver be advised that if he does not attend on that occasion that the matter will be dealt with in his absence.

(5) Ref No. 10/18 – To give consideration to a review of a Private Hire Driver Licence in light of a complaint regarding their behaviour whilst driving a private hire 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 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; and Section 61 (1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 that advises that the Council may suspend or revoke or refuse to renew a licence of a driver of a hackney carriage or a private hire vehicle if the driver has been convicted of an offence involving dishonesty, indecency or violence; or been of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or any other reasonable cause.

After careful consideration Members decided to permit the driver to retain his licence but were unimpressed with the lack of honesty with the Licensing Officers from the outset of their investigation and therefore issued a final warning about the drivers conduct.

RESOLVED – That the licence be retained and the driver be issued with a final 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.