

GENERAL LICENSING SUB COMMITTEE

Tuesday, 23 April 2019

PRESENT – Councillors K Nicholson, Kane, Lawton and Lee

APOLOGIES – Councillors B Jones and Mrs D Jones

OFFICERS IN ATTENDANCE – Graham Hall (Head of Community Safety), Carol Glasper (Designated Officer), Allison Hill (Democratic Officer), Brian Murray (Assistant Licensing Manager), Sgt C Dickenson, Colin Dobson (Licensing Manager) and Bethany Symonds (Lawyer)

LGS17 ELECTION OF CHAIR

RESOLVED - That Councillor Kane be elected Chair for the purpose of this meeting.

LGS18 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

LGS19 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That, pursuant to Sections 100A (4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during 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 1 of Schedule 12A to the Act.

LGS20 PRIVATE HIRE DRIVER LICENCE AND HACKNEY CARRIAGE DRIVER LICENCES (EXCLUSION PARAGRAPHS 1 AND 7)

The Director of Economic Growth submitted a report (previously circulated) to give consideration to an a review of a Hackney Carriage Driver Licence in light of a referral from the Local Authority Designated Officer and two applications for the grant of a Private Hire Driver Licence in light of previous convictions.

Ref 3/19 – To consider the review of a Hackney Carriage Driver Licence in light of a referral from the Local Authority Designated Officer.

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 which sets out the Council's stance on the Relevance of Convictions, Cautions and Endorseable Fixed Penalties in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; and Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided to revoke the Licence for reasons that based on the evidence given to Members at the meeting it was not possible to ascertain whether the allegations were true or not, however Members' primary concern is to safeguard taxi passengers; and felt that to allow the driver to retain their licence they could not be satisfied that they were a fit and proper person to hold such a licence based on the evidence given to Members at the meeting they could not be completely satisfied of this.

RESOLVED – That the licence be revoked with immediate effect under Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976

Ref 4/19 – To consider 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 in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; and Section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1975.

After careful consideration Members decided to grant the licence and depart from the Council's Policy for an applicant to be free of any convictions for at least five years as despite your convictions they felt that you were a fit and proper person to hold such a licence.

RESOLVED – That the licence be granted with a warning in respect of future conduct and the driver be warned that if any further convictions, cautions, warnings or reprimands are received they would be referred immediately to the General Licensing Sub Committee for review of their licence and that this may result in the licence being revoked.

Ref 5/19 – To consider the grant of a Private Hire Driver Licence in light of previous convictions and concerns over their behaviour towards the Licensing Team staff.

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 in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; and Section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1975.

After careful consideration Members decided to refuse the application as Members could not be assured that the applicant was a fit and proper person to hold such a licence and they were not confident that after speaking with the applicant they could behave appropriately and control their temper and have the confidence that they would have the ability to deal with difficult situations as a taxi driver.

Also with regard to the applicants convictions, the Council's policy is that the application be free from conviction for five years before a licence is granted however, Members may have been minded to depart from that policy had the applicant displayed a different demeanour and attitude at the Committee meeting.

RESOLVED – That the applicant for a Private Hire Driver Licence be refused.