

LICENSING HEARING

Minutes of the meeting held on 15 March 2019 commencing at 10.30 am

Present: Cllrs. Clark, Esler and Kelly

Also Present: Applicant
Democratic Services Officer
Legal Officer
Licensing Officer
Head of Licensing Partnership
Kent Police

1. Appointment of Chairman

Resolved: That Councillor Esler be appointed as Chairman of the meeting.

2. Declarations of interest

Councillor Kelly declared that the Police Detective Inspector who reviewed the second allegation was his son-in-law. However, they had not spoken about the case and he remained open minded.

3. Application for a Hackney Carriage Driver's Licence

The Chairman moved and it was

Resolved: That under section 100A (4) of the Local Government Act 1972, the public were excluded from the meeting when considering the report, on the grounds that likely disclosure of exempt information was involved as defined by Schedule 12A, paragraph 1 (information relating to any individual) and paragraph 2 (information which is likely to reveal the identity of an individual).

The Hearing gave consideration to a report by the Chief Officer Environmental & Operational Services giving details of an application for a Hackney Carriage Driver Licence. The application did not currently meet the criteria within the Council's statement of Hackney Carriage and Private Hire Licensing Policy, as detailed within the exempted report. The report requested that the Sub-Committee determine the application.

The Chairman advised that Sub-Committee would be considering whether the applicant was 'fit and proper' as required for the granting of a Hackney Carriage Driver's Licence. They would be considering, in particular, whether the applicant satisfied the test set out in Button on Taxis.

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The Hearing was introduced by the Licencing Officer who gave a background to the case, as set out in the exempted report.

The Legal Advisor explained to the applicant that they were aware that English was not his first language and he was entitled to have an interpreter present given the importance of the issue before them. He noted that the applicant had been asked by the Licensing Officer before the Hearing whether he would like an interpreter, which he had declined. He was still entitled to an interpreter and could ask for one at any point during the hearing. The applicant declined an interpreter, noting it would cause delay.

The applicant explained the series of events and responded to questions concerning information contained within the exempted report. The Hearing heard further information from the applicant as outlined in the confidential appendix to these minutes.

The Hearing heard information from a representative of Kent Police in attendance, and a response from the applicant as outlined in the confidential appendix to these minutes.

At 11.00 a.m. the Hearing Members withdrew to consider the issues raised, accompanied by the Council's Legal Advisor and the Clerk to the Hearing for the purposes of providing advice only.

At 11.23 a.m. The Hearing Members, Council's Legal Advisor and the Clerk to the Hearing returned to the Council Chamber.

The Chairman advised that the applicant had failed to convince the Sub-Committee that he satisfied the test of being a 'fit and proper' person to hold a Hackney Carriage Driver's License for the reasons set out in the confidential appendix to these minutes.

The Chairman moved that the applicant's request for a Hackney Carriage Driver's License be refused.

It was therefore

Resolved: That the application for a Hackney Carriage Driver's Licence be refused.

THE MEETING WAS CONCLUDED AT 11.26 AM

CHAIRMAN

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