

LICENSING HEARING

Minutes of the meeting held on 11 October 2017 commencing at 2.30 pm

Present: Cllr. Esler, Pett, Raikes

Also present: Applicant
Council's Legal Advisor
Democratic Services Officer
Licensing Officer

1. Appointment of Chairman

Resolved: That Cllr. Pett be appointed as Chairman of the meeting.

2. Declarations of interest

No additional declarations of interest were made.

3. Hackney Carriage Driver Licence Application for Determination

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 a referral by Officers of a Hackney Carriage licence holder. The licensee 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 whether the licensee is a fit and proper person to hold a licence.

The Hearing heard from the applicant who explained the series of events as detailed in the confidential appendix to these minutes.

The sub-committee considered a document provided by the applicant. The applicant responded to questions concerning the information contained within the exempted report.

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At 3.07 p.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 3.45 p.m. the Hearing Members, Council's Legal Advisor and the Clerk to the Hearing returned to the Council Chamber.

The Chairman advised the Hearing that the Sub-Committee had an overriding duty under the Council's Licensing Policy to keep the public safe. The issues that had caused the Hearing questioned the suitability as a fit and proper person to hold a Hackney Carriage Driver Licence and that could have led to a refusal should a new licence had been applied for. However, taking note of the representation, the tabled document and also having regard to the comments on the various behavioural improvement measures that were being undertaken and the benefit these were; it was requested that evidence of completion of the courses and from the courts for completion of the penalties imposed be provided to the Licensing department. He advised that if it was a new application, a licence of 1 year initially would be recommended. It was believed by the Sub-Committee that it would be appropriate for renewal of a licence annually until the 5 years had expired since the last court conviction.

Therefore, it was

Resolved: That the Hackney Carriage Driver's Licence be retained subject to the submission of an enhanced DBS certificate in 12 months' time to the Licensing Department.

THE MEETING WAS CONCLUDED AT 3.30 PM

CHAIRMAN