
LICENSING (GENERAL) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 28 JULY 2011

Present:

Councillors Mrs Blatchford, Drake, Parnell (Chair), Thomas and Willacy

7. **APPOINTMENT OF VICE CHAIR**

RESOLVED that Councillor Willacy be appointed as Vice-Chair of the Sub-Committee for the 2011/12 Municipal Year.

8. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the Minutes of the meeting held on 1 June 2011 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

9. **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED that in accordance with the Council's Constitution, specifically the Access to Information Rules, the press and public be excluded from the meeting at a predetermined point in the hearing in respect of any consideration of the following matters and specifically in respect of any consideration of Items 10 and 11 on grounds based on Categories 1 and 2 of paragraph 10.4 of the Council's Access to Information Procedure Rules because failing to do so would constitute a breach of the Data Protection Act 1998 as well as a breach of a Common Law duty of confidentiality.

10. **PRIVATE HIRE DRIVER**

The Sub-Committee considered the confidential report of the Head of Legal and Democratic Services seeking consideration on whether an individual was a fit and proper person to be a Private Hire Driver. (Copy of report circulated with agenda and appended to signed minutes).

The individual was present and with the consent of the Chair addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with Categories 1 and 2 of Paragraph 10.4 of the Council's Access to Information Procedure Rules.

RESOLVED that the individual's licence be suspended until the qualifications now ordinarily required of a new applicant were obtained, or such of those the Licensing Manager may consider necessary to ensure the applicant is fully aware of:

- i) the conditions attached to the license of a private hire driver; and
- ii) the general requirements / standards required.

REASONS FOR DECISION

The Sub-Committee considered very carefully whether the individual remained a fit and proper person in accordance with the legislation to hold a private hire drivers licence.

The Sub-Committee considered the conviction of drink driving which was relevant and remained unspent. It was however felt this was an isolated incident and that a course had been undertaken regarding drinking and driving. It was not felt that the failure to report the offence was dishonest. The failure to report the offence identified a clear lack of understanding of the licence and the conditions attached to it. Accordingly, it was felt necessary to require a suspension until further qualifications were obtained or anything else the Licensing Manager thought necessary in order to be satisfied the individual had the necessary understanding of the licence.

Human Rights legislation had been taken into account whilst making the decision.

The Sub-Committee must stress that drink driving was a very serious matter and that any future issues of conduct or conviction of any nature would have serious implications upon the licence.

11. **PRIVATE HIRE DRIVER**

The Sub-Committee considered the confidential report of the Head of Legal and Democratic Services seeking consideration on whether an individual was a fit and proper person to hold a hackney carriage driver's licence. (Copy of report circulated with agenda and appended to signed minutes).

The individual was present and, with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with Categories 1 and 2 of Paragraph 10.4 of the Council's Access to Information Procedure Rules.

RESOLVED that the Hackney Carriage Driver's Licence should not be revoked.

REASONS FOR THE DECISION

The Sub-Committee carefully considered whether the individual was a fit and proper person, in accordance with the legislation, to hold a Hackney Carriage Driver's Licence.

The Sub-Committee had taken into account the report and oral representations made at the hearing.

It was noted that the guidelines made it clear that drivers should have at least three years conviction free before an application was entertained for new licences. However, in light of all the circumstances, including the individual's previous good behaviour and conduct, and the circumstances of the offence it was not considered appropriate to revoke the licence in this instance.

The Sub-Committee does take any offence seriously, particularly those relating to drugs. However, on the evidence presented the Sub-Committee was satisfied that this was an isolated occurrence and that the individual had co-operated and made full admission of the facts. In light of the individual holding a licence for 11 years without conviction or complaint, the Sub-Committee felt it was unlikely such an offence would be committed again.

It must be stressed that any further convictions or issue of conduct would have potentially grave implications upon the licence.