

LICENSING SUB-COMMITTEE

Friday 27 April 2018

Present:

Councillors Sheldon, Holland and Newby

Also Present:

Solicitor, Principal Licensing Officer, Licensing Officer and Democratic Services Officer

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APPOINTMENT OF CHAIR

Councillor Sheldon was appointed as Chair for this meeting.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

TOWN POLICE CLAUSES ACT 1847

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HEARING TO DETERMINE WHETHER A HOLDER OF A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE IS A FIT AND PROPER PERSON TO HOLD THE LICENCE

The Chair introduced the Licensing Sub Committee Members and Officers to the Licensed Driver.

The Solicitor set out the procedure for the hearing and explained Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 setting out the circumstances where a Hackney Carriage/Private Hire Vehicle License may be revoked or suspended.

The Solicitor stated that evidential burden is not on the Licensed Driver to prove fitness and propriety but for the Licensing Sub-Committee to be satisfied on the balance of probabilities that the Licensed Driver is no longer a fit and proper person. Every case before the Licensing Sub-Committee is heard on its individual merits and its paramount concern is the safety of the travelling public.

The Principal Licensing Officer presented the report and gave evidence in respect of a complaint received on 11 February 2018 from a member of the public relating to an incident that took place on 4 February 2018. The written complaint was read out to the Licensing Sub-Committee which alleged that the Licensed Driver had used foul and abusive language, excessive speed and had chased the complainant leading to the complainant hitting another vehicle.

The Licensed Driver was in attendance and spoke in defence of the complaint. The Licensed Driver was accompanied by one character witnesses who spoke in support of the Licensed Driver. A further 3 character witnesses were called and gave statements in respect of the Licensed Driver's character.

All evidence submitted in writing and given orally was considered by the Licensing Sub-Committee. The Licensed Driver, witnesses together with the Licensing Officers left the room for the Licensing Sub-Committee to deliberate.

RESOLVED that the Licensing Sub-committee was satisfied that the Applicant is a fit and proper person to hold a Hackney Carriage/Private Hire Vehicle driver's licence however a written warning would be issued with regards to the Licensed Drivers future conduct.

(The meeting commenced at 10.15 am and closed at 11.35 am)

Chair