

## **LICENSING SUB-COMMITTEE**

Monday 24 September 2018

Present:

Councillors Owen, Sheldon and Holland

Also Present:

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

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### **APPOINTMENT OF CHAIR**

Councillor Owen was appointed as Chair for this meeting.

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### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

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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.

### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

### **TOWN POLICE CLAUSES ACT 1847**

58

### **HEARING TO DETERMINE WHETHER AN APPLICANT FOR A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE IS A FIT AND PROPER PERSON TO HOLD A THE LICENCE**

The Chair introduced the Licensing Sub Committee Members and Officers. The driver had been referred to the Licensing Sub Committee to determine if he was a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Solicitor set out the procedure for the hearing and explained Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 stating that the Licensing Authority must be satisfied that a driver is a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Solicitor stated that evidential burden is on the Applicant to prove on the balance of probabilities that he is a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle. Every case before the Licensing Sub-Committee is heard on its individual merits and the main concern of the Licensing Sub-Committee is the safety of the travelling public.

The Principal Licensing Officer presented the report and gave evidence in respect of the Applicant, which during the application process a caution had been disclosed. The Applicant had provided a DBS certificate, references, and following a check undertaken by the Licensing Authority, a further offence had been identified.

The Applicant was in attendance and spoke on behalf of their fitness and propriety and answered questions from the Licensing Sub-Committee and the Solicitor.

**RESOLVED** that the Licensing Sub-committee was satisfied that the Applicant was a fit and proper person to hold a taxi driver's licence.

59                    **HEARING TO DETERMINE WHETHER A HOLDER OF A PRIVATE HIRE OPERATORS LICENCE IS A FIT AND PROPER PERSON TO HOLD A THE LICENCE**

The Principal Licensing Officer informed the Licensing Sub-Committee that the Operator had surrendered the operator's licence and the Licensing Authority had accepted the surrender prior to the hearing. E-mail submissions from the former Operator were presented to the Members for information.

60                    **HEARING TO DETERMINE WHETHER AN APPLICANT FOR A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE IS A FIT AND PROPER PERSON TO HOLD A THE LICENCE**

**RESOLVED** that the hearing be deferred pending receipt by the Licensing Authority of the DBS check.

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

The Chair introduced the Licensing Sub Committee Members and Officers.

The driver had been referred to the Licensing Sub Committee to determine if he was a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Solicitor set out the procedure for the hearing and the provisions of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The Solicitor stated that evidential burden was not on the Licensed Driver to prove he was fit and proper but for the Licensing Sub-Committee to be satisfied on the balance of probabilities that the Licensed Driver was no longer a fit and proper person. Every case before the Licensing Sub-Committee was 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 the driver, who was in attendance and spoke in respect of the allegations and answered questions from the Licensing Sub-Committee and the Solicitor.

**RESOLVED** that the licensed driver was not a fit and proper person to hold a taxi driver's licence and the licence should be revoked. The reasons for the decision were set out to the Licensed Driver verbally and shall be issued in writing within five working days.

(The meeting commenced at 10.00 am and closed at 12.15 pm)

Chair