

LICENSING SUB-COMMITTEE

Monday 27 November 2023

Present:

Councillors Asvachin, Bennett and Snow

Also Present:

Legal Advisor, Principal Licensing Officer and Democratic Services Manager

80

APPOINTMENT OF CHAIR

Councillor Snow was appointed as Chair for this meeting.

81

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

82

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's 1 and 2 of Part I, Schedule 12A of the Act.

TOWN POLICE CLAUSES ACT 1847

83

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

The Chair introduced the Licensing Sub Committee Members and Officers.

The Applicant 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 Legal Advisor set out the procedure for the hearing and the provisions of Section 51(1) and Section 59(1) of the Local Government (Miscellaneous Provisions) Act 1976. The Applicant confirmed that the procedure was understood.

The Legal Advisor stated that evidential burden on the Applicant was to prove on the balance of probabilities that they a fit and proper person to hold a Private Hire/Hackney Carriage driver's licence. Every case before the Licensing Sub-Committee was heard on its individual merits and its paramount concern was the safety of the travelling public.

The Principal Licensing Officer presented the report and gave evidence in respect of the Applicant who, had, during the application process, notified the Licensing Authority of a conviction categorised by the Taxi Policy in Appendix G2 as a serious offence and the guidelines stated that such convictions would result in refusal being recommended within 5 years of the date of conviction.

The Applicant was in attendance to give evidence in respect of the matter. He responded to questions from Members and the Legal Advisor.

The Licensing Sub Committee, having considered the report and submissions from the Applicant, considered the Applicant to be a fit and proper person to hold a Private Hire/Hackney Carriage driver's licence.

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

84 **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.

The Applicant 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 Legal Advisor set out the procedure for the hearing and the provisions of Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976. The Applicant confirmed that the procedure was understood.

The Legal Advisor stated that evidential burden was not on the Applicant to prove he was fit and proper but for the Licensing Sub-Committee to be satisfied on the balance of probabilities that the Applicant 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 was the safety of the travelling public.

The Principal Licensing Officer presented the report and gave evidence in respect of an Applicant which during the renewal process, it had been discovered that the Applicant had received penalty points on his driving licence for speeding on two separate occasions and had not been declared to the Council, as part of the application renewal on 29th September 2023. Following a discussion with the Applicant, they had advised that he had been unaware that requirement to declare the points. The Principal Licensing Officer set out the statutory declaration on the Application Form.

Members were referred to Appendix E9 and Appendix N of the Taxi Policy and advised on the relevant misconduct details relating to the Points Based Disciplinary system adopted in July 2023, which had relevance.

The Applicant was in attendance to give evidence in respect of the matter and responded to questions from Members and the Legal Advisor.

The Licensing Sub Committee, having considered the report and submissions from the Applicant, considered them be a fit and proper person to hold a taxi driver's licence, however should be issued with a warning letter and be subject to 12 penalty points for the following reasons:-

- Providing false or misleading information on licence application form; and
- Failure to notify the Council in writing, of any motoring or criminal convictions within 21 days of conviction or cautions during period of current licence

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

renewed, with a written warning to be issued with regard to future conduct with 12 penalty points issued by the Chair of the Licensing Sub Committee.

(The meeting commenced at 10.00 am and closed at 11.51 am)

Chair