

LICENSING SUB-COMMITTEE

Thursday 13 February 2025

Present:

Councillors Holland, Haigh and Sheridan

Also Present:

Legal Advisor, Apprentice Solicitor, Principal Licensing Officer, Licensing Officer, Democratic Services Officer (LS) and Assistant Democratic Services Officer (JQ)

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APPOINTMENT OF CHAIR

Councillor Holland 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**

13

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 Apprentice 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 the driver was a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Apprentice Solicitor stated that the evidential burden was on the applicant to prove fitness and propriety on the balance of probabilities. Every case before the Licensing Sub-Committee was heard on its individual merits and the main concern of the Licensing Sub-Committee was the safety of the travelling public.

The Principal Licensing Officer presented the report and gave evidence in respect of the application.

The Complainant was in attendance via video-link and presented their statement and gave evidence in support of their complaint.

The Applicant was in attendance and spoke in respect of the conduct which had resulted in him being brought before the Licensing Sub-Committee.

The Complainant and the Applicant responded to questions from Members', the Legal Advisor, Apprentice Solicitor and Principal Licensing Officer.

RESOLVED that the Licensing Sub-Committee was not satisfied that the Applicant was a fit and proper person to hold a driver's license for a Hackney Carriage/Private Hire Vehicle. That the renewal application be refused and a written notice of the Licensing Sub-Committee's decision together with the full reasons would be issued to the Applicant within 5 working days.

14 **HEARING TO DETERMINE WHETHER A HOLDER OF 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 Licensed 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 Apprentice Solicitor set out the procedure for the hearing and the provisions of Section 62 of the Local Government (Miscellaneous Provisions) Act 1976.

The Apprentice 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.

The Licensed Driver was in attendance and spoke in respect of the conduct which had resulted in him being brought before the Licensing Sub Committee and responded to questions from Members', Legal Advisor, Apprentice Solicitor and Principal Licensing Officer.

RESOLVED that the Licensing Sub-committee was not satisfied that the Applicant was a fit and proper person to hold a driver's licence for a Hackney Carriage/Private Hire Vehicle. That the Licensed Drivers Licence was revoked with immediate effect and written notice of the decision together with full reasons would be issued to the driver within 5 working days.

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

The Apprentice 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.

The Licensed Driver was in attendance and spoke in respect of the conduct which had resulted in him being brought before the Licensing Sub Committee and responded to questions from Members', Legal Advisor, Apprentice Solicitor and Principal Licensing Officer.

RESOLVED that the hearing be deferred until the next available date after the outcome of the Applicant's prosecution.

16

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 Apprentice 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 was a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Apprentice Solicitor stated that evidential burden was on the applicant to prove fitness and propriety on the balance of probabilities. Every case before the Licensing Sub-Committee was heard on its individual merits and the main concern of the Licensing Sub-Committee was the safety of the travelling public.

The Principal Licensing Officer presented the report.

The Licensed Driver was in attendance and spoke in respect of the conduct which had resulted in him being brought before the Licensing Sub Committee and responded to questions from Members', Legal Advisor, Apprentice Solicitor and Principal Licensing Officer.

RESOLVED that the Licensing Sub-committee was satisfied that the Applicant was a fit and proper person to hold a driver's licence for a Hackney Carriage/Private Hire Vehicle.

(The meeting commenced at 10.00 am and closed at 3.04 pm)

Chair