

LICENSING (GENERAL) SUB – COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 3RD JUNE 2009

Present: Councillors Wells (Chair), Blatchford, Cunio, Fuller, Galton, Norris and Willacy

Apologies: Councillor Galton

1. APPOINTMENT OF CHAIR AND VICE CHAIR

RESOLVED that Councillor Wells be appointed Chair and Councillor Norris be appointed Vice-Chair of the Sub-Committee for the 2009/10 Municipal Year.

COUNCILLOR WELLS IN THE CHAIR

2. MINUTES OF THE PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)

RESOLVED that the Minutes of the meetings held on 11th February and 6th May 2009 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

3. 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 Minutes 4, 5, 6, 7, 8 and 9 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.

4. APPLICATION FOR GRANT OF HACKNEY CARRIAGE DRIVER'S LICENCE

The Sub-Committee considered the confidential report of the Solicitor to the Council concerning an application for the grant of a Hackney Carriage driver's licence. (Copy of report circulated with agenda and appended to signed minutes).

The applicant and his father were 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 application for a Hackney Carriage driver's licence be refused.

REASON FOR THE DECISION

That in view of the nature and number of offences and conduct of the applicant, the Sub-Committee was not satisfied that the applicant was a fit and proper person in accordance with the legislation at this point in time to hold a Hackney Carriage driver's licence, there not being sufficient reason to warrant a departure from the Home Office guidelines.

The Sub-Committee was not satisfied that sufficient time had elapsed without conviction or misdemeanour.

The Sub-Committee's primary consideration when making the decision was its duty to protect the public.

5. APPLICATION FOR GRANT OF PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered the confidential report of the Solicitor to the Council concerning an application for the grant of a Private Hire driver's licence. (Copy of report circulated with agenda and appended to signed minutes).

The applicant was in attendance 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 application for a Private Hire Drivers Licence be refused.

REASON FOR THE DECISION

In light of the nature and number of offences the Sub-Committee was not satisfied that the applicant was a fit and proper person at this point in time to hold a Private Hire Driver's Licence, there not being sufficient reason to warrant a departure from the Home Office guidelines.

The Sub-Committee was not satisfied that sufficient time had elapsed since the latest offences relating to driving specifically.

The Sub-Committee's primary consideration when making the decision was its duty to protect the public.

6. APPLICATION FOR GRANT OF PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered the confidential report of the Solicitor to the Council concerning an application for the grant of a Private Hire Driver's licence. (Copy of report circulated with agenda and appended to signed minutes).

The applicant was in attendance 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 application for a Private Hire Drivers Licence be granted.

REASON FOR THE DECISION

Having regard to the Home Office Guidelines the Sub-Committee was satisfied that the applicant was in the light of his changed personal circumstances, a fit and proper person to hold a Private Hire Driver's Licence in accordance with the legislation.

7. APPLICATION FOR GRANT OF PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered the confidential report of the Solicitor to the Council concerning an application for the grant of a Private Hire Driver's licence. (Copy of report circulated with agenda and appended to signed minutes).

The applicant and his step-father were in attendance 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 application for a Private Hire Driver's Licence be granted.

REASON FOR THE DECISION

In the light of the applicant's change in personal circumstances the Sub-Committee was satisfied that the applicant was a fit and proper person to hold a Private Hire Driver's Licence in accordance with the legislation.

8. PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered the confidential report of the Solicitor to the Council concerning an application for the lifting of the suspension of a Private Hire Driver's licence. (Copy of report circulated with agenda and appended to signed minutes).

The applicant, his solicitor and a character witness were in attendance 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

- (i) that the application for the lifting of the suspension of a Private Hire Drivers Licence be granted; and
- (ii) that the applicant be strongly advised to consider the installation of a CCTV camera in his vehicle.

REASON FOR THE DECISION

The Sub-Committee was satisfied that the applicant was a fit and proper person at this stage (in accordance with the legislation) to hold a Private Hire Driver's licence.

The Sub-Committee considered very seriously the three separate allegations of a similar nature. The applicant's acknowledgement of the potential for such allegations and suggested steps to avoid future occurrences had been afforded due weight as had the potential for cultural differences to have played a role.