

LICENSING (GENERAL) SUB – COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 26TH NOVEMBER 2009

Present: Councillors Baillie, Mrs Blatchford, Cunio, Drake, Norris, Parnell and Willacy

Apologies: Councillors Galton and Fitzgerald

11. APOLOGIES/ CHANGES IN MEMBERSHIP

The Panel noted that Councillor Drake was in attendance as a nominated substitute for Councillor Galton and Councillor Baillie was in attendance as a nominated substitute for Councillor Fitzgerald in accordance with Council Procedure Rule 4.3.

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

RESOLVED that the Minutes of the meetings held on 26th August 2009 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

13. 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 in respect of the consideration of the following item 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.

14. PRIVATE HIRE DRIVER

The Sub-Committee considered the confidential report of the Solicitor to the Council seeking consideration on whether an individual was a fit and proper person to be a Private Hire Driver. (Copy of report circulated with agenda and appended to signed minutes).

Part of the evidence presented to the Sub-Committee was in the form of photographic and accompanying soundtrack obtained from the digital security camera fitted to the vehicle. The Sub-Committee noted that this was the first occasion that such evidence had been presented.

The Sub-Committee also noted that no appeal had been received from the driver since the immediate suspension of the Private Hire Driver's licence on 27th October, 2009 and that under the regulations the driver remained unable to drive pending the outcome of the appeal even under circumstances where an appeal had been lodged.

In addition the Sub-Committee noted that the driver and his Solicitor had been invited to attend the Sub-Committee's meeting but were not in attendance.

RESOLVED that the Private Hire Driver's licence be revoked.

REASON FOR THE DECISION

Having regard to the Home Office Guidelines the Sub-Committee was satisfied that the applicant was not a fit and proper person to hold a Private Hire Driver's licence.

The Sub-Committee were seriously concerned at the driver's extremely offensive behaviour, abusive language and actions towards three elderly and infirm residents of the City and considered that such behaviour towards the public should not be tolerated.

The serious nature of the driver's recorded behaviour, together with the written evidence presented, were considered valid reasons for the Sub-Committee's decision.