

LICENSING (GENERAL) SUB – COMMITTEE
MINUTES OF THE MEETING HELD ON THURSDAY, 11TH MARCH 2010

Present: Councillors Parnell (Chair), Mrs Blatchford, Cunio, Fitzgerald, Galton, Osmond and Willacy

21. APOLOGIES/ CHANGES IN MEMBERSHIP

The Panel noted that Councillor Osmond was in attendance as a nominated substitute for Councillor Norris in accordance with Council Procedure Rule 4.3.

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

RESOLVED that the Minutes of the meeting held on 26th November 2009 and 17th December be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

23. 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 Items 19 and 20 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.

24. PRIVATE HIRE DRIVER

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

The Applicant was present and with the consent of the Chair addressed the meeting.

The Sub-Committee noted that the application was for a Private Hire Driver licence not as detailed for a Hackney Carriage Driver.

RESOLVED that the application for a Private Hire Driver be refused.

REASON FOR THE DECISION

In light of the nature of the offence 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,.

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

25. 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).

The Sub-Committee were mindful that the previous hearing had been adjourned in light of the failure to make contact with and the non-appearance of the applicant, pending further information.

In addition the Sub-Committee noted that the applicant and his Solicitor had been invited to attend the Sub-Committee's meeting but were not in attendance. The Sub-Committee agreed to hear the evidence in the applicant's absence.

RESOLVED that the application be refused.

REASON FOR THE DECISION

The Sub-Committee particularly took into account the serious nature of the offences and considered this a valid reason for the Sub-Committee's decision.

26. HACKNEY CARRIAGE DRIVER

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 their union representative were present and, with the consent of the Chair, addressed the meeting.

RESOLVED that the application for a Hackney Carriage Driver's Licence be granted.

REASON FOR THE DECISION

From careful consideration of the evidence, the Sub-Committee was satisfied that the applicant was a fit and proper person to hold a Hackney Carriage Driver's Licence in accordance with the legislation.

The Sub-Committee had given careful consideration to all the evidence presented and particularly took into account the applicant's remorse and recognition of the catastrophic mistake made.

The Sub-Committee also noted the applicant's undertaking to only drive vehicles fitted with a radio circuit and a digital camera.