

# Licensing and Regulatory Sub-Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Licensing and Regulatory Sub-Committee** held on  
**Monday 12 March 2018 at 4.00pm** in **Ground Floor Room 14, West  
Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

**Chairman** Margaret Marks

Sarah Broughton      John Burns

**Substitutes attending:**

Mary Evans was not required to act as a substitute, but remained in the hearing for training purposes.

82. **Apologies for Absence**

There were no apologies for absence.

83. **Substitutes**

There were no substitutes at the meeting.

84. **Election of Chairman**

With the vote being unanimous, it was

**RESOLVED:**

That Councillor Margaret Marks be elected Chairman.

85. **Exclusion of Press and Public**

With the vote being unanimous, it was

**RESOLVED:**

That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of businesses on the grounds that it involves the likely disclosure of exempt information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972 and indicated against each item.

**86. Application for the Review of a Private Hire/Hackney Carriage Driver's Licence**

The Lawyer (Licensing and Regulatory) welcomed all present to the Review Hearing, reported that no declarations of interest had been received and introductions to the Sub-Committee were made by the Chairman.

The Chairman then outlined the procedure for the conduct of the Review Hearing.

The purpose of the report was for the Sub-Committee to review the application for a Combined Private Hire/Hackney Carriage Driver's Licence under the provisions of Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority was required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle driver's licence and/or private hire vehicle operator's licence was a fit and proper person to hold such a licence.

The Licensing Officer then presented Report No: LSC/SE/18/002, and explained that the applicant on 9 January 2017 was stopped by the police and charged with failure to provide a sample of breath, and subsequently disqualified for driving under offence code DR30, driving or attempting to drive then failing to supply a specimen for analysis. The disqualification period ended on 4 March 2018, and the applicant now wished to resume his driving career with his employer. She also drew attention to the Exempt appendices attached to the report:

- Exempt Appendix 1: Current Combined Private Hire/Hackney Carriage Driver's Licence
- Exempt Appendix 2: Letter from licence-holder informing the Licensing Department of offence and subsequent letter returning driver badge.

The applicant attended the meeting, accompanied by his employer and a third-party representative. The applicant presented their case and explained he had made a poor judgement, had learnt by his mistake and answered Members' questions.

Members questioned the applicant as to why he failed to supply a sample of breath, which he disputed. Members also questioned whether he socially drank now, to which the applicant provided responses.

The applicant then summed up their case, followed by the third-party representative who provided a statement that he had known the applicant over nine years and was an honest person. He had tried to give a sample of breath and could not for some reason. He was previously in a care job, which was stressful, so changed his career to become a taxi driver.

The applicant's employer then provided a statement stating that he was a very sincere person and was sadly missed in the team, control room. He had made a misjudgement, but would welcome him back as a driver.

Following the summing up, at 4.21pm, all those present, other than the Sub-Committee, the Lawyer (Licensing and Regulatory) and the Democratic Services Officer (Scrutiny), would be asked to leave the Review Hearing to allow the Sub-Committee to give further consideration to the application.

At 5.11pm all parties were recalled back to the Review Hearing, where the Chairman advised on the Sub-Committee's decision.

With the vote being unanimous, it was

**RESOLVED:**

That the Combined Private Hire/Hackney Carriage Driver's Licence be **REVOKED.**

The applicant was advised on the right of appeal to the Magistrates' Court within 21 days of the decision being given by the Lawyer (Licensing and Regulatory) following the meeting.

The Meeting concluded at 5.14pm

**Signed by:**

**Chairman**

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