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# Licensing and Regulatory Sub-Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Licensing and Regulatory Sub-Committee** held on **Friday 31 August 2018** at **10.00 am** in **Ground Floor Room 13 West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

**Chairman** Susan Glossop

Sarah Broughton      Mike Chester

**Substitutes attending:**

Margaret Marks was not required to act as a substitute, but remained in the hearing to observe.

91. **Apologies for Absence**

There were no apologies for absence.

92. **Substitutes**

There were no substitutes required.

93. **Election of Chairman**

With the vote being unanimous, it was

**RESOLVED:**

That Councillor Susan Glossop be elected Chairman.

94. **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.

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

The Business Partner (Litigation/Licensing) 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 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 Enforcement Officer presented Report No: LSC/SE/18/004 which explained that on 12 July 2018, the applicant had been charged with a firearms offence and subsequently had been imprisoned for five years. The Licensing Enforcement Officer drew attention to Exempt Appendix 1 which was attached to the report.

The applicant was unable to attend the hearing.

The Sub-Committee considered the evidence provided, and with the vote being unanimous, it was

**RESOLVED:**

That the licence be **REVOKED**, in accordance with the Council's convictions policy.

The licence holder would be advised after the Hearing on the right of appeal to the Magistrates' Court.

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

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The Licensing Enforcement Officer present Report No: LSC/SE/18/005 and explained that the applicant had received numerous complaints related to their behaviour when driving. As a result of the complaints received, the applicant was required to attend a driving re-test on 28 October 2017 which they passed. He drew attention to the exempt appendices attached to the report:

- Exempt Appendix 1 – Witness Statement in relation to an incident that had occurred on 30 January 2017
- Exempt Appendix 2 – Warning Letter dated 14 February 2017
- Exempt Appendix 3 – Penalty Points Letter dated 12 April 2017
- Exempt Appendix 4 – Letter of Complaint dated 28 June 2017
- Exempt Appendix 5 – Witness Statement in relation to an incident that had occurred on 26 September 2017
- Exempt Appendix 6 and 7 – Witness Statements in relation to an incident that had occurred on 27 June 2018
- Exempt Appendix 8 – Record of Interview dated 30 July 2018
- Exempt Appendix 9 – Letter from Suffolk Police received 7 August 2018

The applicant attended the meeting and presented their case.

Members questioned the applicant on various complaints to which they responded to. Clarification was sought specifically on the incident that had occurred on 27 June 2018 where members of the public had witnessed the applicant driving dangerously in a licensed company car. The applicant disputed the record of events submitted to the Licensing Authority by the witnesses.

The applicant summed up their case and, at 10.17 am, all those present other than the Sub-Committee, the Business Partner (Licensing/Litigation) and the Democratic Services Officer would be asked to leave the Review Hearing to allow the Sub-Committee to give further consideration to the application.

At 10.24 am all parties were recalled back to the Review Hearing, where the Business Partner advised on the Sub-Committee's decisions.

The Sub-Committee had considered written evidence submitted by members of the public and the Council's Licensing Enforcement Officer as well as the applicant's verbal representation. The Sub-Committee were not satisfied with the applicant's account of the incident that had occurred on 27 June 2018 and that, combined with other incidents, indicated that the applicant was not a fit and proper person to hold a hackney carriage/private hire driver's license.

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 Business Partner (Licensing/Litigation) following the meeting.

The Meeting concluded at 10.28 am

**Signed by:**

**Chairman**

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