
Licensing and Regulatory Sub-Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on
Wednesday 21 November 2018 at **2.00 pm** in **Ground Floor Room 13**
West Suffolk House, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman Clive Springett

Mike Chester

Susan Glossop

Substitutes attending:

Clive Springett

97. **Apologies for Absence**

Apologies for absence were received from Councillor John Burns.

98. **Substitutes**

The following substitution was declared:

Councillor Clive Springett for Councillor John Burns.

99. **Election of Chairman**

With the vote being unanimous, it was

RESOLVED:

That Councillor Clive Springett be elected Chairman.

100. **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 business 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.

101. **Review of Private Hire Operator's Licence P0065**

The Lawyer (Licensing/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 Private Hire Operator's Licence under the provisions of Section 62 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Team Leader introduced herself as being the "applicant" for the licensing authority who had requested this review hearing.

The Sub-Committee noted that the operator (the respondent) was not in attendance, therefore no oral representations could be heard. The operator had been informed that the review hearing had been arranged for Wednesday 21 November 2018, and the Sub-Committee considered it acceptable to conduct the review hearing in the absence of the operator.

The Licensing Officer then presented the Exempt report and explained why officers had requested a review of the operator's licence number P0065. The Operator was granted his operator's licence on 8 January 2018 for a period of one year only, on the basis that he ran the business as per the terms of the licence.

Exempt Report No: LSC/SE/18/006 drew attention to the various Exempt appendices attached to the report:

- Exempt Appendix 1: Council list of licensed vehicles
- Exempt Appendix 2: Response to the council list of licensed vehicles
- Exempt Appendix 3: New list of vehicles and drivers
- Exempt Appendix 4: Email from the Licensing Officer
- Exempt Appendix 5: Email to the Licensing Officer
- Exempt Appendix 6: Licensing Officer email to the operator
- Exempt Appendix 7: Picture of taxi in workshop

In view of the allegations set out in the report, the Sub-Committee needed to be satisfied that the Operator was a fit and proper person to hold an Operator's licence issued by the Council. Licensing Officers believe that the Operator was absent from the business and his sister was conducting all of the operating and supervising of contracts, staff and vehicles. The Operator and his sister shared the same office space and dispatchers/drivers and occasionally vehicles. Although they could sub-contract each other work, the Operator appeared to be absent from running his own operators business and had no usable vehicles of his own. The Operator was granted his operator's licence on the understanding that he was a fit and proper to do so.

The Sub-Committee questioned the Licensing Officer and the Licensing Team Leader (the applicant), on a number of points contained in the report, to which comprehensive responses were provided.

The applicant then summed up their case and, at 2.22pm, all those present other than the Sub-Committee, the Lawyer (Licensing/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 Operator's licence.

At 2.25pm all parties were recalled back to the Review Hearing, where the Chairman advised on the Sub-Committee's decisions.

Having considered all the evidence before it, the Sub-Committee felt the operator had not co-operated with the Council's reasonable requests of him; his record keeping was poor; and he was extremely difficult to contact. Therefore, it was felt he was not a fit and proper person to hold an operator's licence.

With the vote being unanimous, it was

RESOLVED:

That the operator's licence be **REVOKED** with immediate effect.

The operator would be advised on the right of appeal to the Magistrates' Court by the Licensing Team Leader outside of the meeting.

The Meeting concluded at 2.26 pm

Signed by:

Chairman
