

Licensing and Regulatory Sub- Committee

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on **Monday 22 July 2019** at **10.00 am** in **Room GFR-12, West Suffolk House,** Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Rachel Hood

Don Waldron

Margaret Marks

In attendance:

Robert Nobbs (Substitute Member – Observing)

1. **Election of Chair**

It was proposed, seconded and unanimously

RESOLVED:

That Councillor Rachel Hood be elected as Chair.

2. **Apologies for Absence**

There were no apologies for absence.

3. **Substitutes**

No substitutions were declared.

4. **Exclusion of Press and Public**

It was proposed, seconded and unanimously

RESOLVED:

That the press and public be excluded during the consideration of the following items because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt categories of information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972, and indicated against the items and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

5. **Application for a Private Hire/Hackney Carriage Driver's Licence (Exempt: Paragraphs 1 & 2) (Report No: LSC/WS/19/001)**

(Prior to commencing this item, the Business Partner (Litigation/Licensing) sought consent from the applicant to allow Councillor Robert Nobbs and the Lawyer (Litigation/Licensing) to remain in the meeting to observe proceedings for training purposes.)

The Chair welcomed all present to the Hearing, reported that no declarations of interest had been received and introductions to the Panel were made.

The Business Partner (Litigation/Licensing) outlined the procedure for the conduct of the Hearing as attached to the agenda.

The Licensing Officer presented the report which explained that Members were requested to consider an application for a combined Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee needed to be satisfied that the applicant was a fit and proper person to hold a licence issued by the Council.

Attention was drawn to the applicant's DVLA licence summary that had been tabled to the meeting together with the Council's Taxi and Private Hire Vehicle Licensing Criminal Convictions Policy which served as guidance for Members.

The Licensing Officer also advised of an inaccuracy within Paragraph 1.4 of the report where the conviction date had been incorrectly referenced, as opposed to the date of the offence.

The applicant attended the meeting, together with their consort, to present their case and answer Members' questions.

Following which the applicant, their consort and all Licensing Officers retired to another room to allow the Sub-Committee to give further consideration to the matter.

Following all parties' return to the meeting room the Chair advised on the Sub-Committee's decision.

With the vote being unanimous, it was

RESOLVED:

That, having taken into account all representations received both in writing and orally, considered alongside the Licensing Authority's duty to protect the public, the Sub-Committee considered there to be insufficient evidence to depart from the Council's Criminal Convictions Policy which required a minimum 3 year period free from convictions. Accordingly, **THE HACKNEY CARRIAGE/PRIVATE HIRE LICENCE APPLICATION WAS REFUSED.**

The Business Partner (Litigation/Licensing) concluded the Hearing by advising the applicant of their Right to Appeal against the determination of the Authority.

6. **Application for a Private Hire/Hackney Carriage Driver's Licence (Exempt: Paragraphs 1 & 2) (Report No: LSC/WS/19/002)**

(Prior to commencing this item, the Business Partner (Litigation/Licensing) sought consent from the applicant to allow Councillor Robert Nobbs and the Lawyer (Litigation/Licensing) to remain in the meeting to observe proceedings for training purposes.)

The Chair welcomed all present to the Hearing, reported that no declarations of interest had been received and introductions to the Panel were made.

The Business Partner (Litigation/Licensing) outlined the procedure for the conduct of the Hearing as attached to the agenda.

The Licensing Officer presented the report which explained that Members were requested to consider an application for a combined Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee needed to be satisfied that the applicant was a fit and proper person to hold a licence issued by the Council.

Attention was drawn to the applicant's DVLA licence summary that had been tabled to the meeting together with the Council's Taxi and Private Hire Vehicle Licensing Criminal Convictions Policy which served as guidance for Members.

The Licensing Officer also sought the Sub-Committee's consent to table two letters forming character references that the applicant had brought with them to the meeting. The Chair therefore permitted a short adjournment in order to allow Members time in which to read the additional documentation.

Lastly, the Licensing Officer clarified that whilst the copy of the application form attached to the report was unsigned the applicant had subsequently signed the form which the Licensing Authority held on file.

The applicant attended the meeting to present their case and answer Members' questions.

Following which the applicant and all Licensing Officers retired to another room to allow the Sub-Committee to give further consideration to the matter.

Following all parties' return to the meeting room the Chair advised on the Sub-Committee's decision.

With the vote being unanimous, it was

RESOLVED:

That, having taken into account all representations received both in writing and orally, considered alongside the Licensing Authority's duty to protect the public, the Sub-Committee considered there to be insufficient evidence to depart from the Council's Criminal Convictions Policy which required a minimum 3 year period free from convictions. Accordingly, **THE HACKNEY CARRIAGE/PRIVATE HIRE LICENCE APPLICATION WAS REFUSED.**

The Business Partner (Litigation/Licensing) concluded the Hearing by advising the applicant of their Right to Appeal against the determination of the Authority.

The meeting concluded at 11.05am

Signed by:

Chair
