

Licensing and Regulatory Sub-Committee

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on **Thursday 28 January 2021** at **2.00 pm** via Microsoft Teams

Present **Councillors**

Carol Bull
Margaret Marks

Phil Wittam

31. **Welcome**

The Service Manager – Democratic Services who was producing the meeting formally commenced the meeting and jointly welcomed all present and those externally viewing the Licensing & Regulatory Sub-Committee.

A number of housekeeping matters and remote meeting guidance were highlighted to all.

32. **Election of Chair**

It was unanimously

RESOLVED:

That Councillor Margaret Marks be elected as Chair.

33. **Apologies for absence**

No apologies for absence were received.

34. **Substitutes**

No substitutions were declared.

Following which, the Democratic Services Officer verbally outlined all Members of the Sub-Committee who were present together with the names of the Officers supporting the meeting.

35. **Declarations of interest**

There were no declarations of interest made.

36. **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.

37. **Application for a Private Hire/Hackney Carriage Driver's Licence (Exempt: Paragraphs 1 & 2) (Report No: LSC/WS/21/001)**

The Chair welcomed all present for this item, reported that no declarations of interest had been received and introductions to the Panel and accompanying Officers 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.

The Business Partner (Litigation/Licensing) confirmed that a written statement had been submitted by the applicant and the Sub-Committee had been provided with a copy and had agreed to consider the additional documentation as a supplement to the agenda papers.

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

Following which the three Members of the Sub-Committee, the Business Partner (Litigation/Licensing) and the Democratic Services Officer withdrew from the meeting and joined a separate private meeting to allow the Sub-Committee to give further consideration to the matter.

Following all parties' return to the main meeting the Business Partner (Litigation/Licensing) advised on the Sub-Committee's decision.

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, Members considered that insufficient evidence was produced to the

Sub-Committee for it to determine the applicant as not a fit and proper person in respect of the safeguard matter raised in the report.

The Sub-Committee further accepted that the applicant did, or attempted to, notify the Licensing Authority of the driving offences committed in 2020. However, the statutory guidance issued by the Department of Transport was clear that whilst isolated offences may not result in a refusal to grant or renew a licence, and although the Sub-Committee had sympathy with the applicant and the circumstances under which they committed the offences, the statutory guidance was clear that multiple offences indicated that an applicant did not exhibit the behaviours of a safe road user and one that was suitable to drive professionally.

Having carefully considered all the representations in this matter, the Sub-Committee did not feel there was a good reason to depart from the Department of Transport's guidance.

Accordingly, **THE HACKNEY CARRIAGE/PRIVATE HIRE LICENCE APPLICATION WAS REVOKED.**

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

38. **Application for a Private Hire/Hackney Carriage Driver's Licence (Exempt: Paragraphs 1 & 2) (Report No: LSC/WS/21/002)**

The Chair welcomed all present for this item, reported that no declarations of interest had been received and introductions to the Panel and accompanying Officers 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.

The Business Partner (Litigation/Licensing) confirmed that a written statement had been submitted by the applicant and the Sub-Committee had been provided with a copy and had agreed to consider the additional documentation as a supplement to the agenda papers.

A second document had also been submitted, cited as evidence to support the application, however, the Business Partner (Litigation/Licensing) had advised the Sub-Committee that he did not consider the content to be relevant. Furthermore, the documentation contained personal details of a third party unconnected to the application, accordingly he had recommended that it be disregarded by Members in their determination of the matter.

The applicant attended the meeting, supported by a family member and with two legal representatives, to present their case and answer Members' questions.

During the debate the applicant made reference to the way in which the application had been dealt with by the Licensing Authority. The Business Partner (Litigation/Licensing) interjected and explained that the application process was not a matter for the Sub-Committee to consider and the applicant would need to pursue this separately by way of the Council's complaints procedure.

Following which the three Members of the Sub-Committee, the Business Partner (Litigation/Licensing) and the Democratic Services Officer withdrew from the meeting and joined a separate private meeting to allow the Sub-Committee to give further consideration to the matter.

Following all parties' return to the main meeting the Business Partner (Litigation/Licensing) advised on the Sub-Committee's decision.

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, Members accepted the applicant's reasons for not declaring the caution issued in 2010 and noted that this would not prevent the issue of a driver's licence (in accordance with the Council's policy guidance).

The driving offences in 2018 were serious matters and the applicant should have been aware of the obligation to notify the Licensing Authority as soon as possible. However, it was also noted that the offences took place in 2018 and that no further offences had been recorded since. The Sub-Committee therefore determined that, on balance, the offences did not prevent the applicant being considered a fit and proper person.

The Sub-Committee were concerned about the complaint against the applicant in respect of the alleged dangerous driving incident. However, the Sub-Committee considered the applicant's version of events and the fact that it appeared to have been an isolated incident. It was therefore the view of the Sub-Committee that the application should not be refused based on this incident.

The safeguarding incident was carefully considered by the Sub-Committee. In particular consideration was given to the applicant's representations, the fact that this was an isolated incident, assurance from the applicant that it would not be repeated and that the incident took place in 2018. Following that incident, the applicant's licence was not revoked at the time by the Licensing Authority and the Sub-Committee's view was that, on balance, the renewal application should not be refused on these grounds.

Accordingly, **THE HACKNEY CARRIAGE/PRIVATE HIRE LICENCE APPLICATION WAS GRANTED.**

Prior to closing the meeting the Chair addressed the applicant and cautioned as to their future conduct.

The meeting concluded at 4.37pm

Signed by:

Chair
