

# Licensing and Regulatory Sub-Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Licensing and Regulatory Sub-Committee** held on  
**Monday 19 December 2016** at **2.00 pm** in Room GFR13 , **West Suffolk**  
**House**, Western Way, Bury St Edmunds

Present: **Councillors**

**Chairman** John Burns

Tony Brown Richard Rout

**Substitute attending:**

Jane Midwood

47. **Election of Chairman**

It was proposed, seconded and

RESOLVED – That Councillor John Burns be elected Chairman of  
this Licensing & Regulatory Sub-Committee meeting.

48. **Substitutes**

No substitution was declared.

49. **Apologies for Absence**

No apologies for absence were received.

50. **Exclusion of Press and Public**

RESOLVED :

That under Section 100 (A)(4) of the Local Government Act 1972  
the public and press be excluded from the meeting for item 52  
of the business below on the grounds that it involves the likely  
disclosure of exempt information as defined in Paragraph 1 of  
Part 1 of Schedule 12 (A) of the Act.

**51. Hearing Procedure (attached)**

The Hearing Procedure (previously circulated) was adopted for the consideration of item 52 below.

**52. Application for a Hackney Carriage/Private Hire Vehicle Driver's Licence**

**(a) Pre-Hearing**

(1) it was announced that the applicant was present at the hearing and would be representing himself;

(2) the applicant confirmed that he had received a copy of the Officers' written exempt report (Reference LSC/SE/16/008) along with the addendum to that report which had been circulated subsequently;

(3) the applicant advised that he did not wish to withdraw or amend his application;

(4) the Licensing Officer advised that no additional supporting information had been submitted;

(5) the Licensing Officer reported that there had been no request for a witness to appear;

(6) the applicant indicated that he would require 2 minutes in which to present his case. The Sub-Committee agreed that this would be the amount of time the applicant would be allowed but this could be exceeded if the applicant had not completed his submission when this limit had expired; and

(7) the Sub-Committee determined that the Substitute Member was not required to hear the application. At the invitation of the Sub-Committee Councillor Jane Midwood remained present in the meeting as an observer.

**(b) Hearing**

The Licensing Officer presented Exempt Report LSC/SE/16/008 (previously circulated) in connection with the application for a new Hackney Carriage/Private Hire Vehicle Driver's licence. Copies of his application and Driver and Vehicle Licensing Agency (DVLA) licence were attached as Exempt Appendix 1. The applicant not declared any DVLA endorsements on his application form. However, following a standard check through the Driver Licence Checking system the record revealed an endorsement under the Offence Code TT99 (Disqualification under the totting up procedure). The applicant had been convicted of this offence in 2014 and had been disqualified from driving for a period of six months. The endorsement would remain on his record until 2018. An extract of the enhanced disclosure return from the Disclosure and Barring Service (DBS) was attached as Exempt Appendix 2. This indicated the imposition of fines for failure to surrender to custody on two occasions during 2010. For the further information of the Sub-Committee the document Guidelines relating to the Relevance of Convictions was

attached as Appendix 3. Also presented to the Sub-Committee was an Exempt Addendum to Report LSC/SE/16/008 which contained as Appendix A a copy of the DVLA endorsement which indicated that this would remain on the applicant's record until 5 September 2018. In September 2014 the applicant had surrendered the previous Hackney Carriage/Private Hire Driver's licence he had held following receipt of his driving ban. In March 2015 he had telephoned the Licensing Team and had stated that as his disqualification had expired he wished to drive taxis again. An extract from Council records outlining the details of this telephone call was attached as Exempt Appendix B. There had been an issue with the applicant regarding his failure to notify the Council of his change of address and a file note relating to this was attached as Appendix C. On 5 August 2013 the Council had received a complaint from a female passenger in the applicant's vehicle alleging aggressive behaviour on his part. The complaint was attached as Exempt Appendix D. The applicant had subsequently been interviewed and a verbal warning issued in respect of this behaviour.

Additional to the written report Officers advised that the applicant's prospective employer had been contacted by telephone. He had previously been employed by this company and an indication had been given by them over the phone that they were satisfied he was a good driver and that they would be happy to re-employ him if he regained his licence. The Sub-Committee noted that there was nothing in writing to this effect from the company concerned.

The applicant in submitted his case. After he had responded to Members' questions the applicant was asked whether he wished to sum up or if not whether there was anything further he wished to say. He responded by saying that he had nothing to add to what he had already stated.

*(At this point the Sub-Committee retired accompanied by the Legal Advisor and Committee Administrator to give consideration to the application and the applicant and Licensing Officers withdrew from the meeting room. The Sub-Committee had regard to the Officers' written report and addendum and the representations made by the applicant and debated whether he was a fit and proper person to hold a licence. The Sub-Committee meeting was re-convened, the applicant and Licensing Officers re-admitted and the following decision announced)*

### Decision

The Sub-Committee has taken into account all the evidence before it and considers that the applicant is not a fit and proper person to hold a Combined Hackney Carriage/Private Hire Vehicle Driver's licence and his application is therefore refused.

*(The applicant was advised that if he was aggrieved by this decision he had the right of appeal to the Magistrates' Court within 21 days of the issue of the decision notice.)*

The meeting concluded at 2.35pm.

**Signed by:**

**Chairman**

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