

Licensing Committee

Minutes

Monday, 10 September 2018 at 18:30

Present :

Councillor Lawn (in the Chair); Councillor Annison, Bensly, Borg, Carpenter, Drewitt, Galer, A Grey, Jeal, Lawn, Robinson-Payne, Wainwright and Walker.

Also in attendance :

Mrs D Wilby (Licensing and Elections Manager), Mrs J Cooke (Head of Organisational Development), Mr D Lowens (Solicitor, nplaw) and Mrs S Wintle (Member Services Officer).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mavroudis.

2 DECLARATIONS OF INTEREST

There were no declarations of interest declared at the meeting.

3 MINUTES

The minutes of the meeting held on the 23 July were confirmed.

4 PRIVATE HIRE VEHICLE

The Committee received and considered the Licensing and Elections Manager report which asked Members to consider a request from a plate holder asking that a wheelchair accessible vehicle over 10 years old be permitted for licensing as a private hire vehicle.

The vehicle is 14 years old and therefore contrary to the Council's current policy, which states that wheelchair accessible vehicles should be no older than 10 years on initial registration.

Members were advised that the vehicle had been specially adapted to carry a number of large wheelchairs in one journey and would only be used as a spare for the company should it be required.

RESOLVED:

That approval be given to allow the request subject to the vehicle passing the required six monthly testing. This is on the basis that current policy remains unchanged and that any further requests continue to be considered on their merits.

5 VEHICLE OVER 9 YEARS OLD

The Committee received and considered the Licensing and Elections Manager's report which asked Members to consider a request from a plate holder asking permission for his vehicle to remain on his private hire plate when his licence is renewed in September. The vehicle will be over 9 years old at this time.

The Licensing and Elections Manager reported that the vehicle was in good condition and continued to pass all of the licensing requirements. The vehicle was available for inspection should members wish to view it.

RESOLVED:

That approval be given to allow the request for the vehicle to continue being licensed as a private hire on the basis that the Committee believe the vehicle to be in good condition and subject to it passing the required six monthly tests. The decision is on the basis that the current policy remains unchanged and that any further requests continue to be considered on their merits.

6 HACKNEY CARRIAGE DRIVER -1

The Committee considered the Licensing and Elections Manager's report which asked Members to review the licence of a Hackney Carriage/Private Hire Driver who had been disqualified from driving for six months due to a totting up of points.

The Licensing and Elections Manager reported that the Borough Council's current policy regarding driving offences stated that Licence holders convicted during the period of the licence of such offence may be warned as to future conduct and that any disqualification may lead to revocation of any licence to drive held with the Borough Council. The public are entitled to have the utmost confidence in drivers of hackney carriage and private hire vehicles. The Borough Council must ensure that only fit and proper persons obtain drivers' licences.

Members were advised that following an annual check by the Licensing team it had been revealed that the driver had received a significant number of penalty points throughout the year which had resulted in a six month disqualification from driving. The driver has surrendered his Hackney Carriage/Private Hire driver's licence to the Licensing Team but has indicated that he intends to continue as a taxi driver at the end of the period of disqualification. It was reported that his Hackney Carriage/Private Hire driver's licence expires on 31 May 2020.

The driver reported to the Committee that he was not aware that he needed to inform the Licensing Team of his convictions, he commented that he was keen to get his livelihood back on track and understood the seriousness of the convictions he had received.

A Member asked if the driver has been in any other employment since surrendering his licence, he confirmed that he had been working at a local public house as and when required.

A Member asked if the driver had been carrying passengers at the time of the convictions, to which he confirmed that no passengers had been present in the taxi. A comment was made by a Member that two speeding penalties had been received on the same day, this was confirmed by the driver who stated that he had been trying to get to and from jobs as quickly as he could in light of being newly appointed.

The Solicitor, Nplaw asked the driver if he had any matters pending, he confirmed he had a further two matters pending for speeding offences.

The driver and Licensing and Elections Manager left the meeting to allow Members time to debate the licence.

Members considered the case to determine if it was necessary to take any action to suspend or revoke the drivers licence. They took account their policies but felt the circumstances of the speeding being to impress a new employer would not be repeated following the drivers comments to Committee and that he would exercise more discipline in future.

RESOLVED:

That the Committee agree that the driver is a fit and proper person to hold a

Hackney Carriage/Private Hire Drivers Licence but that a formal warning be issued. Any future incidents will be referred back to Committee with view to revocation of licence.

7 HACKNEY CARRIAGE DRIVER - 2

The Committee considered the Licensing and Elections Manager's report which asked Members to consider granting a licence for a Hackney Carriage/Private Hire drivers licence in view of previous convictions.

The Licensing and Elections Manager reported that the council's current policy on convictions states that an applicant should be free of serious convictions for 3 – 5 years before an application is considered but applications may be refused if a serious offence has been committed in the past five years. Offences involving dishonesty assault, indecency, drink and drugs and reckless or dangerous driving are to be viewed particularly seriously.

The public are entitled to have the utmost confidence in drivers of hackney carriage and private hire vehicles. The council must ensure that only fit and proper persons obtain drivers' licences.

Members were advised that information received from the Disclosure and Barring Service revealed that the applicant had received a number of convictions.

The applicant advised the Committee that he had been warned when he had received his last conviction that he would receive a custodial sentence should he receive any further convictions during the following 12 month period. The applicant commented that this had given him a wake up call and encouraged him to work hard.

The applicant explained that the incidents all happened when excess alcohol was involved so he now limits the amount of alcohol he has.

A Member asked whether the applicant had received any support and he confirmed that he had attended sessions with a drink and drug councillor in 2013 and that these sessions lasted for a 12 month period.

A Member asked whether the applicant intended to keep his current job but to work as a taxi driver for extra income, this was confirmed.

A Member asked how long the applicant had not drunk alcohol for, the applicant reported that he had drunk a very limited amount of alcohol since 2013.

The Solicitor, Nplaw asked whether the applicant had any pending convictions, the applicant confirmed he did not.

The applicant and the Licensing and Elections Manager, left the meeting in

order for the Committee to debate the application.

Members entered into a discussion to determine whether they felt the applicant to be a fit and proper person to hold a licence. They took into consideration the applicants current employment status and the two good character references from his workplace. They also had regard to the period that had elapsed since the incidents occurred and the explanation given regarding the applicant's current approach to alcohol.

RESOLVED

That the Committee agree that the applicant is a fit and proper person and approve the application for a Hackney Carriage/Private Hire Driver's licence.

8 ANY OTHER BUSINESS

There was no other business to be considered at the meeting.

9 EXCLUSION OF PUBLIC

RESOLVED :

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12(A) of the said Act."

10 CONFIDENTIAL MINUTES

That the confidential minutes of the meeting held on the 23 July 2018 be approved.

The meeting ended at: 20:30