

LICENSING SUB-COMMITTEE

3 December 2021 at 9.35 am

Present: Councillors Clayden (Chair), Gregory and Mrs Staniforth

6. ELECTION OF CHAIR

Councillor Clayden was elected Chair for the meeting.

7. DECLARATIONS OF INTEREST

There were no declarations of interest made.

8. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

The Chair confirmed that there were no items for this meeting.

9. EXEMPT BUSINESS

The Sub-Committee

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the items.

10. CHANGE TO THE ORDER OF THE AGENDA

At the request of the Chair, a change to the order of the agenda was agreed as the applicant for the first item on the agenda was not yet in attendance. This matter would therefore be considered as the last item on the agenda.

Licensing Sub-Committee - 3.12.21

11. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE - EXEMPT PARAGRAPH 1 OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972

The Sub-Committee received a report from the Licensing Officer which set out the detail of an application for a hackney carriage/private hire driver licence. This was a first time application and the applicant had declared previous relevant convictions and driving offences, these had been detailed within the report.

The Licensing Officer confirmed that due to the nature of the conviction and driving offences, in line with Council Policy, this application had to be considered by this Sub-Committee.

Additional correspondence from the applicant was circulated to the meeting correcting an error in the report around the nature of a driving offence.

The applicant was in attendance and explained the circumstances of the conviction and offences. Having been asked a series of questions from Members, the applicant confirmed that he had since worked for another authority as a hackney carriage driver. All parties left the room to enable the Sub-Committee to consider the matter.

Having taken account of the nature of the situation, it was confirmed that in order for the Sub-Committee to be able to determine if the applicant was a Fit and Proper person to hold a taxi driver licence, it needed to be provided with clarification from the other authority that there had been no issues of concern whilst the applicant had held a licence.

The Sub-Committee

RESOLVED

That the application for a hackney carriage/private hire driver licence be adjourned subject to receiving information from the other local authority.

It was hoped that this information/reference could be received before the end of this meeting so that a decision could be made today. The applicant was asked to wait meaning that further consideration of this application be deferred to the end of the meeting.

*(All parties were recalled and advised of the decision.)*

12. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE - EXEMPT PARAGRAPH 1 OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972

The Sub-Committee received a report from the Licensing Officer which set out the detail of an application for a hackney carriage/private hire driver licence. This was a first time application and the applicant had declared on their application form previous relevant convictions and driving offences, these had been detailed within the report.

The Licensing Officer confirmed that due to the nature of the convictions and driving offences, in line with Council Policy, this application had to be considered by this Sub-Committee.

The applicant was in attendance and explained the circumstances of the offences, which he very much regretted, and provided a full breakdown and detail on how he had dedicated time since to address the issues of his past and to overcome what he had experienced.

Having been questioned by the Sub-Committee, the applicant confirmed that he had worked for a taxi company and still worked for another authority.

Having taken account of all the circumstances surrounding the convictions and the applicant's acknowledgement and remorse for his misdemeanours, coupled with his voluntary work to assist those in similar circumstances that he had been in, the Sub-Committee then considered the fit and proper test and felt that this was satisfied. However, the Sub-Committee confirmed that to apply fairness across all applications, it should be able to examine information from the other authority that the applicant worked for to ensure that there had been and were no issues of concern.

Enquiries were made of the other licensing authority who confirmed there were no issues of concern, as such, the Sub-Committee felt that the application should be granted with some conditions.

The Sub-Committee

RESOLVED

To grant a licence, subject to a knowledge test, medical and driving assessment being completed to the satisfaction of Offices, but with a strict warning being applied both verbally and in writing being administered for a maximum period of 12 months.

*(All parties were recalled and advised of the decision.)*

Licensing Sub-Committee - 3.12.21

13. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE - EXEMPT PARAGRAPH 1 OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972

The Sub-Committee received a report from the Licensing Officer which set out the detail of an application for a hackney carriage/private hire driver licence. This was a first time application and the applicant had declared previous relevant convictions, these had been detailed within the report.

The Licensing Officer confirmed that due to the nature of the convictions, in line with Council Policy, this application had to be considered by this Sub-Committee.

The applicant was in attendance and explained the circumstances of the offences which he very much regretted and he provided full detail of his current employment as a hackney carriage/private hire driver with another authority and taxi company. Following questions from Members, all parties then left the room to enable the Sub-Committee to consider the matter.

In discussing the matter, Members took account of the fact that the applicant's misdemeanours had occurred when he was a juvenile and that there had been no criminal offences since. However, to apply fairness in line with the other applications considered, the Sub-Committee agreed that it should be able to examine information from the other authority that the applicant worked for confirming that there had been and were no issues of concern.

The Sub-Committee therefore

RESOLVED

That the application be deferred to allow the Sub-Committee to receive information/a reference from the other authority that the applicant had worked for.

*(All parties were then recalled and advised of the decision. The applicant was advised of the date of the next Sub-Committee which was scheduled for 14 January 2022).*

The Sub-Committee made a request that for all applications for hackney carriage/private hire driver licences that the application form and references from other local authorities where an applicant had been or was a taxi driver be provided as part of the report to avoid delays in the future.

14. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE - EXEMPT PARAGRAPH 1 OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972

All parties relating to Agenda Item 6, were recalled to the meeting, where it was confirmed that in the absence of any information being received from the other authority, this application would be deferred to the next meeting of the Sub-Committee on 14 January 2022.

15. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE (EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO INDIVIDUALS

In the absence of the applicant, the Sub-Committee noted that this item, which had been Agenda Item 5, would be deferred to the next meeting of the Sub-Committee on 14 January 2022.

(The meeting concluded at 11.25 am)