

General Licensing Sub-Committee

Wednesday, 9 November 2011

Present: Councillor Keith Iddon (Chair) and Councillors David Dickinson, Mick Muncaster, Beverley Murray and Pauline Phipps

Also in attendance: Councillors Alex Jackson (Senior Lawyer), Stephen Culleton (Public Protection Officer) and Dianne Scambler (Democratic and Member Services Officer)

11.LSC.37 APOLOGIES FOR ABSENCE

No apologies for absence were received.

11.LSC.38 DECLARATIONS OF ANY INTERESTS

There were no declarations of any interest.

11.LSC.39 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That the press and public be excluded from the meeting for the following items of business on the ground that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of schedule 12A of the Local Government Act 1972.

11.LSC.40 REVOCATION OF HACKNEY CARRIAGE DRIVERS LICENCE

The Sub Committee met to consider the revocation of a Hackney Carriage Driver Licence under section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The Council's legal representative explained that the recommendation was now for a refusal of an application to renew a Hackney Carriage Driver Licence under section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

Before the start of the hearing the applicant's representative, told the Committee that the applicant had withdrawn his application for the renewal of a Hackney Carriage Driver Licence and did not think that the meeting should go ahead as there was nothing for the Sub Committee to determine.

The applicants representative showed the Chair a copy of the withdrawal letter, dated 4 November 2011, asking for the application to be withdrawn with immediate effect and asking for a refund of the application renewal fee. The Chair confirmed that all Members of the Committee had received a copy of this letter at the meeting.

The Council's legal representative explained to Members that in light of this information, Members needed to determine if they accepted the withdrawal of the application and whether to refund the application renewal fee that had been requested.

The Chair requested an update from the Council's Public Protection Officer who confirmed the change in the decision for Members and provided some additional information which was circulated at the meeting.

Members carefully considered the representations from the applicants representative and the Public Protection Officer and **RESOLVED** that:

1. It be acknowledged that the application had been withdrawn and there was no formal determination by Members to make in relation to the application.
2. Members commented that had the applicant proceeded with his application for a Hackney Carriage Drivers Licence, that they would have been minded to refuse because he had been convicted of a very serious offence against a passenger in his taxi.
3. Members requested that the Licensing Unit keep an appropriate record in relation to their comments above.
4. Members also **RESOLVED** not to refund the application fee to applicant on the following grounds:
 - It is Council Policy not to refund application fees;
 - Applicants understand that fees are payable upon application and are non refundable;
 - An Application fee can reasonably be considered part of the cost of running a business;
 - It is unfair that Council Tax payers bear the cost of licensing the taxi trade and associated enforcement. Members noted that the applicant had withdrawn his application after considerable officer time had been spent in preparing the report and that he would have been aware in March when he submitted his application that it would have to go before the Sub Committee.

Chair