



MINUTES OF GENERAL LICENSING SUB-COMMITTEE

MEETING DATE Wednesday, 27 April 2016

MEMBERS PRESENT: Councillor Roy Lees (Chair) and Councillors Mark Jarnell, Matthew Lynch, Mick Muncaster and Tom Gray

OFFICERS: Elizabeth Walsh (Solicitor), Stephen Culleton (Licensing Officer), Ruth Rimmington (Democratic and Member Services Officer) and Nina Neisser (Democratic and Member Services Officer)

16.LSC.69 Declarations of Any Interests

There were no declarations of any interests.

16.LSC.70 Procedure

The Chair outlined the hearing procedure that would be used to conduct the meeting.

16.LSC.71 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.

16.LSC.72 Application for the grant of a Private Hire and Hackney Carriage Drivers Licence made under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847

The Sub Committee considered a report of the Director of Public Protection, Streetscene and Community to determine whether the applicant was a fit and proper person to hold a Private Hire and Hackney Carriage Drivers Licence.

The applicant did not attend the meeting.

The applicant made an application for a Private Hire and Hackney Carriage Drivers Licence on 16 January 2016. The applicant had passed the Council's Knowledge Test

and DSA Private Hire Driver Test Assessment. There were no convictions recorded against the Disclosure and Barring Certificate, the Councils Group II Medical had been returned with no issues and the applicant held a full DVLA Driver Licence.

The application process had identified that the applicant had a limited 'Leave to Remain-Residence Permit', where he was limited to remain in the UK until 9 April 2018. Officers believed it would be inappropriate to use delegated authority to issue a Private Hire and Hackney Carriage Driver Licence for three years to the applicant in light of the limited time he had to remain in the Country.

After careful consideration and taking into account all the relevant factors in considering whether the applicant was a fit and proper person to hold a Private Hire Driver's Licence and a Hackney Carriage Licence the Sub Committee **RESOLVED that the applicant was a fit and proper person to hold a Private Hire Driver Licence and Hackney Carriage Driver's Licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and that his application should be approved subject to the requirements of the standard conditions for the following reasons:**

1. **Members considered that the applicant had passed the Council's knowledge test and DSA Private Hire Driver Test Assessment and that there were no convictions recorded against the Disclosure and Barring Certificate. The applicant's Group II medical had been returned with no issues and that the applicant held a full DVLA Driver Licence.**
2. **Member's considered the Council's Policy of issuing 3 year Private Hire and Hackney Carriage Driver Licence and felt that in this instance it was appropriate to depart from the Council's Policy. In light of this Members resolved to grant this licence with the following conditions:**
 - a) **To grant the application to a period not extending the applicant's leave to remain in the UK which currently expires on 9 April 2018.**
 - b) **To delegate to Licensing Officers upon receiving any evidence of any extension of that period to then extend the Private Hire and Hackney Carriage Driver Licences issued to:**
 - **A period not exceeding 3 years from the date of grant of those licences and**
 - **To not exceed any period of leave to remain as given on his residence permit**
 - c) **In the event that the applicant does obtain an extension to remain in the UK, the applicant will not be required to pay a fee for the extension of the Licence and that no extra fees are to be paid so as not to put him at a disadvantage to other drivers.**

16.LSC.73 Application for the grant of a Private Hire and Hackney Carriage Drivers Licence made under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847

Councillor Matthew Lynch declared a personal interest and left the meeting for the duration of this item.

The Sub Committee considered a report of the Director of Public Protection, Streetscene and Community to determine whether the applicant was a fit and proper person to hold a Private Hire and Hackney Carriage Drivers Licence.

The applicant made an application for a Private Hire and Hackney Carriage Drivers Licence on 4 February 2016. The applicant had previously passed the Council's Knowledge Test and DSA Private Hire Driver Test Assessment. There were no convictions recorded against the Disclosure and Barring Certificate, the Council's Group II Medical had been returned with no issues and the applicant held a full DVLA Driver Licence.

The applicant attended the meeting to make representations to the Sub Committee, with his representative, Mr Charles Oakes.

The application identified a conviction for having no insurance where the applicant received six penalty points and a fine of £200. The application did not identify all the motoring offences the applicant had committed and offences which were held on Council records were set out within the report, including speeding endorsements.

The applicant had appeared before the Licensing Sub-Committee on 1 April 2009 to have an application determined. Members granted the applicant a Private Hire Drivers Licence with a warning that should he receive further speeding endorsements then he would be required to appear before the committee.

The Private Hire Drivers Licence was revoked on 14 August 2013 as the applicant had been found by the Police to be acting as Private Hire Vehicle without motor vehicle insurance, as required under Section 50 (4) of the local Government (Miscellaneous Provisions) Act 1976, and his vehicle was issued a PG9 statement for an illegal rear tyre.

The applicant advised that at the time his insurance was renewed on a weekly or monthly basis, rather than a contract. He had not realised that his insurance had lapsed. The speeding convictions had occurred when he was working as a delivery driver. He had decided that being a delivery driver wasn't for him as he felt he was always rushing, and that he would be better suited to being a taxi driver. He had not had any speeding convictions since 2012.

The applicant advised he was now 34 years old and a family man, whereas previously he was single with no responsibilities. He was planning to take out an insurance contract with monthly payments to ensure that his cover did not lapse. The applicant gave Members assurances that he would not act in a manner that would require him to be brought before them again.

After careful consideration and taking into account all the relevant factors in considering whether the applicant was a fit and proper person to hold a Private Hire Driver's Licence and a Hackney Carriage Licence the Sub Committee **RESOLVED that the applicant was a fit and proper person to hold a Private Hire and Hackney Carriage Drivers Licence under Section 51 of the Local Government Miscellaneous Provisions Act 1976 and that his application should be approved subject to the requirement of the standard conditions for the following reasons:**

- 1. Members considered that the applicant has previously passed the Council's knowledge test and DSA private hire driver test assessment in 2014. Members considered that the medical consultant was satisfied and**

that there were no issues with his medical and that the applicant held a full DVLA drivers licence.

2. Members considered the Council's Safeguarding, Suitability and Convictions statement of Policy for Taxi Licensing which envisages that significant periods for rehabilitation for major traffic offences.
3. In light of this Members noted that 3 years had passed since the applicant's conviction for driving without insurance and the grant of a Private Hire and Hackney Carriage Licence is within the Council's policy.
4. The applicant had not been convicted of any further offences in the intervening period and had expressed remorse.
5. Members noted that the applicant had given reasons for the offences committed.
6. Members expressed a view that a note be placed on the applicant's licensing file that should he commit any further offences that he will be brought back before Committee.
7. Members felt that the applicant should not be required to retake the DSA or the Council's knowledge test.

16.LSC.74 Application for the grant of a Private Hire and Hackney Carriage Drivers Licence made under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847

The Sub Committee considered a report of the Director of Public Protection, Streetscene and Community to determine whether the applicant was a fit and proper person to hold a Private Hire and Hackney Carriage Drivers Licence.

The applicant attended the meeting to make representations to the Sub Committee, with Mr Anthony Price of Yellow Cabs (his prospective employer).

The applicant made an application for a Private Hire and Hackney Carriage Drivers Licence on 1 March 2016 and successfully passed the Council's Knowledge Test, the Council's Group II Medical requirements and the DSA Private Hire Driver Test Assessment.

There was one driving conviction recorded against the applicant's DVLA Driver Licence in October 2014: a SP50 resulting in 3 penalty points and a £35 fine. The applicant's Disclosure and Barring Certificate identified a number of offences which were set out in the report.

The applicant advised that the Conditional Caution in May 2007 was received for possessing controlled drug-Class A for personal use.

In April 2011 the applicant was convicted of Conspire / Being Concerned in Fraudulent Activity Undertaken with View to Obtain Payment of Tax Credit. The applicant explained that the offence had been committed when he was in his mid-twenties and that it had taken seven years for the matter to be dealt with through the courts. He had found the experience to be scary and advised that he would not do anything to put himself in that position again. All of the convictions on the Disclosure and Barring Certificate were now spent.

The applicant had been employed by a Parish Council as their lengthsman for two years and had worked installing gutters and fascia boards, but was currently unemployed.

The applicant was now 38 years old and settled with a wife and family. The applicant had been managing a local football team for several years and had responsibilities as the treasurer. This was a voluntary position.

Mr Price explained that the applicant had grown into a responsible family man and deserved the chance to prove himself as a taxi driver.

After careful consideration and taking into account all the relevant factors in considering whether the applicant was a fit and proper person to hold a Private Hire Driver's Licence and a Hackney Carriage Licence the Sub Committee **RESOLVED that the applicant was a fit and proper person to hold a Private Hire Driver Licence and Hackney Carriage Drivers Licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and that his application should be approved subject to the requirements of the standard conditions for the following reasons:**

1. **Members considered that the Council's medical consultant was satisfied that the applicant met Group II standards and that he successfully passed his DSA test and Knowledge Test.**
2. **Members considered the Council's Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing which envisages rehabilitation periods of 3 - 5 years. In light of this Members noted that:**
 - a. **It was just over 5 years since the applicant's convictions and the grant of a Private Hire Driver's Licence and a Hackney Carriage Licence was therefore within the Council's Safeguarding, Suitability and Convictions Statement of Taxi Licensing.**
 - b. **The applicant had not been convicted of any further offences in the intervening period and has expressed remorse. Members noted that the applicant had given reasons for the offences committed.**
 - c. **Members took into consideration that the applicant had, since his convictions, managed a football team and been the treasurer.**
 - d. **The applicant was now married and settled with a family.**

Chair

Date