

General Licensing Sub-Committee

Wednesday, 1 October 2008

Present: Councillor Edward Smith (Chair) and Councillors David Dickinson, Hasina Khan and Pat Haughton

08.LSC.13 DECLARATIONS OF INTEREST

None of the Sub-Committee members declared an interest in the principal item for discussion on the meeting's agenda.

08.LSC.14 MINUTES

RESOLVED – That the minutes of the meeting of the General Licensing Sub-Committee held on 3 September 2008 be confirmed as a correct record.

08.LSC.15 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – That the press and public be excluded from the meeting for the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972.

08.LSC.16 SECTION 61 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PRIVATE HIRE DRIVER

The Sub-Committee considered a report of the Corporate Director of Governance seeking the Members' instructions on any action deemed appropriate in respect of the Private Hire Driver's Licence held by the person identified on the submitted report (Mr B).

The report drew attention to the failure of the licence holder to declare a current conviction for exceeding the 30mph speed limit on his licence renewal application form. A further examination of the person's driving licence had revealed the imposition of 11 penalty points, 8 of which had been awarded for speeding since the last renewal application. The driver, however, had failed to notify the Council of the recent convictions within 7 days, as required as a condition of his licence.

The licence holder attended the meeting and was questioned on his breach of the condition of his licence. A letter was circulated from the driver's employing company, confirming their satisfaction with the licence holder's capabilities as a driver.

The Licensing Officer, also presented a note which set out a series of convictions and penalties awarded against the driver since 1997 and referred to the decisions of the Sub-Committee on two previous occasions when the driver had appeared before the Sub-Committee. This information was shown to the licence holder. The Sub-Committee offered to adjourn to another date if Mr B required more time to consider the information which had not been contained in the agenda papers. However, Mr B stated that he wished the hearing to go ahead.

(At the conclusion of the driver's presentation of his representations and Sub-Committee's questioning, the licence holder, Licensing Officer and Legal Advisor left the meeting).

The Sub-Committee gave due and careful consideration to all aspects of the matter, including the implications of the past convictions, offences and deliberations of the Sub-Committee; the licence holder's representations; the public safety considerations; and each of the optional courses of action available to the Sub-Committee.

At the conclusion of their deliberations, the Sub-Committee **RESOLVED (3:1):**

(1) That Mr B's Private Hire Licence be not revoked, but that the licence holder be issued with a final warning explaining how seriously the Sub-Committee views his consistent record of speeding convictions and that the Sub-Committee will have no alternative but to revoke the licence if there is any further breach of the licensing conditions.

(2) That the licence holders employers be notified also of the Sub-Committee's decisions, highlighting the serious warning that has been issued to the driver.

(The licence holder was informed of the Sub-Committee's decisions, which would subsequently be confirmed in writing).

Chair