



Licensing Sub-Committee (Private Hire/Hackney Carriage)

Minutes - 25 March 2015

Attendance

Members of the Licensing Sub-Committee (Private Hire/Hackney Carriage)

Cllr Alan Bolshaw
Cllr Bishan Dass (Chair)
Cllr Patricia Patten

Employees

Linda Banbury	Democratic Support Officer
Sarah Hardwick	Solicitor
Elaine Moreton	Section Leader - Licensing

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for Absence**
There were no apologies for absence.
- 2 Declarations of Interest**
There were no declarations of interest.
- 3 Exclusion of Press and Public**
Resolved:
That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information within paragraph 3 of Schedule 12A to the Act relating to the business affairs of a particular person.
- 4 Review prior to renewal of a Private Hire Vehicle Driver's Licence**
The Chair welcomed everyone to the meeting, introductions were made and he outlined the procedure to be followed.

Mr M was in attendance at the meeting, accompanied by his legal representative, Mr S, in connection with the review, prior to renewal, of his Private Hire Vehicle Driver's Licence (Licence).

The Section Leader (Licensing) outlined the report which had been circulated to all parties in advance of the meeting. Mr S commented that the report was very brief and did not cover the totality of circumstances.

Mr S, on behalf of his client, questioned why the matter had been brought before the Sub-Committee, given that the punishment of a four month suspension had already been imposed at an earlier meeting (13 August 2014) and that the matter was pending in regard to appeal proceedings. With regard to the failure of Mr S to attend the Magistrates' Court, he advised that he had faxed available dates to the Court in regard to the pre-hearing, but unfortunately they had not been transferred to the relevant Court file. The matter had now been referred to the Crown Court and would be heard on 17 April 2015. It was noted that Mr M's Private Hire Vehicle Driver's Licence had expired on 4 March.

The Council's Solicitor advised that she did not agree with the legal opinion of Mr S and believed that the Sub-Committee was required and make a decision upon the application for renewal of a Mr M's Private Hire Vehicle Driver's Licence in regard and the test to apply was whether he was fit and proper. Mr M would have a separate right of appeal against any decision made and, unless a decision was made, Mr M would not be able to take advantage of the stay of execution given under Section 77 of the Local Government (Miscellaneous Provisions) Act 1976 and continue driving until disposal of his appeal.

Summing up, the Section Leader (Licensing) reiterated the Council's view that the Sub-Committee had a duty to consider whether Mr M was a fit and proper person to hold a Private Hire Vehicle Driver's Licence.

Summing up, Mr S pointed out that the Sub-Committee had decided not to revoke Mr M's Licence in August 2014, but to impose a four month suspension. He stated that the Sub-Committee had no additional information to consider and Mr M should be allowed to renew his Licence. He had continued to work since August 2014 without incident.

At this juncture the Section Leader (Licensing), Mr M and Mr S withdrew from the meeting to enable the Sub-Committee to reach their decision. The Council's Solicitor advised them of the options available to them in determining the application.

The Sub-Committee considered all the evidence before them, both written and oral.

The parties returned to the meeting and were advised of the decision of the Sub-Committee as follows:

Resolved:

That the only decision for the Sub-Committee today was whether or not to grant the renewal of the Licence.

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may on application under Section 51 of the Act, refuse to renew the licence of a driver on grounds of any other reasonable cause.

Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council shall grant a licence, provided that they shall not grant unless they are satisfied that the applicant is fit and proper.

The Sub-Committee considered all the information presented, in particular the circumstances surrounding:

1. complaints made about the behaviour of Mr S in April and May 2014, and
2. the appeal against the decision to suspend Mr M's Private Hire Vehicle Driver's Licence, which is to be determined by the Crown Court on 17 April 2015.

The Sub-Committee were satisfied that, in order for Mr M to take advantage of the stay of execution provided in Section 77 of the Act and to continue driving until disposal of the appeal, the decision on the renewal application was needed.

In the circumstances, the Sub-Committee did not deem Mr M a fit and proper person and therefore had no option but to refuse to renew his Private Hire Vehicle Driver's Licence, in accordance with Section 5.1.25(b) of the Council's guidelines relating to the relevance of convictions and breaches of licence conditions.

Mr M has a right of appeal to the Magistrates' Court within twenty one days of written receipt of this decision.