

Licensing Committee

A meeting of Licensing Committee was held on Tuesday, 10th November, 2009.

Present: Cllr Bill Woodhead (Chairman), Cllr Jim Beall, Cllr Dick Cains, Cllr Mrs Eileen Craggs, Cllr Jean Kirby, Cllr Maurice Perry, Cllr Roy Rix and Cllr Fred Salt.

Officers: C. Barnes, P. Edwards, L. Maloney, S. Mills (DNS) J. Nertney, T. Harrison (LD)

Also in attendance: Mr D.T., Mr M.F., Mr F.S.M.B., Mr S.W., Miss S.A.S., Mr W.H., Mr Z.A.G., Mr G.S.

F. Hayes, C Nester (Standards Committee Observers)

Apologies: Cllr Mrs Nelson, Cllr Dixon, Cllr Kirton, Cllr Miss Large and Cllr Lewis.

L Declarations of Interest

53/09

There were no declarations of interest.

L Minutes of the meetings held on 18th August 2009 and 7th September 2009

54/09

The minutes of the meetings held on 18 August 2009 and 7 September 2009 were signed by the Chairman as a correct record.

L Private Hire Driver - Mr D.T.

55/09

Consideration was given to a report regarding a licensed private hire driver who had his original licence granted by the Committee with a warning and who received a further motoring conviction.

Mr DT had been licensed with the Council since January 2008 and his licence was due to expire on 31 January 2010. Mr DT's original licence was granted by the Committee on 22 January 2008 with a warning as to his future conduct because of concerns over his conviction for speeding in 2005 and 2006 which had resulted in him having 9 points on his DVLA licence.

On 11 February Mr DT notified the Council that he had received a further motoring conviction for which he had received a £60 fine and 3 points on his licence. His DVLA licence showed the conviction to be a TS10 which was 'failing to comply with traffic light signals'. As 3 points had come off his licence he was back on 9 points so Mr DT was offered the opportunity to attend the Driver Improvement Scheme as an alternative to appearing back before the Committee. He agreed to this and arranged to attend a course in August. However, the Licensing department was informed that he failed to attend the course that had been booked for him.

Members were respectfully reminded that under the provision of Section 61 the Local Government (Miscellaneous Provisions) Act 1976 the Council may suspend, or revoke or on application, refuse to renew the licence of a driver of a hackney carriage or private hire vehicle on any of the following grounds –

- (1) (a) that he has since the grant of the licence -
- (i) been convicted of an offence involving dishonesty, indecency or violence;

or

- (ii) been convicted of an offence under or has failed to comply with the provision of the Act of 1847 or of the Part of the Act; or
- (iii) any other reasonable cause.

(2) (a) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the driver under subsection (2)(a) of this section.

(2) (b) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2) (a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given.

A copy of the Council's adopted guidelines on the Relevance of Convictions was made available for Members information.

Mr DT was in attendance and given an opportunity to state his case.

After consideration of the report and to the comments made by Mr DT, the Committee decided on this occasion not to revoke his licence subject to Mr DT attending the new Taxi Driver Improvement Course at his own expense and subject to a final written warning as to his future conduct.

Members expressed their concern in relation to Mr DT's motoring convictions and advised him that licensed drivers were expected to demonstrate a high standard of driving. Therefore, should Mr DT receive any further convictions or fail to comply with the conditions of his licence then his fitness to hold a private hire driver's licence would be reconsidered by the Licensing Committee, when the final warning would be noted.

RESOLVED that: -

1. Mr DT attend the Taxi Driver Improvement Course;
2. Mr DT be issued with a final, severe warning as to his future conduct.

**L
56/09**

Private Hire Driver - Mr M.F.

Consideration was given to a report regarding a licensed private hire driver who failed to submit an application to enable his three yearly criminal record check to be carried out and who was currently suspended. Mr MF had been invited to attend the meeting, but was not in attendance. Members decided to proceed in Mr MF absence as they consider that he had been given sufficient notice of the meeting.

Mr MF was a licensed private hire driver. He had held a licence since November 2003 and his licence was due to expire on 30 November 2009.

As part of the process to ensure drivers were still considered to be a fit and proper person to hold their licence they were required to submit an enhanced

criminal record check with the Criminal Records Bureau every 3 years. Mr MF was written to and advised that his next check was due on 14 July 2009 and requested to complete the appropriate form to enable this check to be carried out. As he failed to complete the application a reminder letter was sent to him on 10 September 2009.

Despite these letters Mr MF failed to return his completed forms and this resulted in his private hire drivers' licence being suspended by the Trading Standards and Licensing Manager using his delegated powers on 9 October 2009. At the time of the meeting Mr MF had still not made contact with the Licensing Office or completed his application for a criminal record check.

Members were reminded that under the provisions of Section 61(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may suspend or revoke or refuse to renew the licence of a hackney carriage and/or private hire driver on any of the following grounds:-

- (a) that he has since the grant of the licence:-
 - (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or fails to comply with the provisions of the Act of 1847 or of this part of this Act; or
- (b) any other reasonable cause

Members were also advised of the revisions to Section 61 introduced under the Road Safety Act 2006 as follows:

(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the driver under subsection (2)(a) of this section

(2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

After consideration of the report the Committee resolved that Mr MF's failure to submit a criminal record check with the Criminal Records Bureau meant that they were unable to determine his continued fitness to hold a drivers licence and that in the interests of public safety this was sufficient grounds under Section 61(1)(b) of the above mentioned Act to be deemed a reasonable cause for revoking your Private Hire Drivers Licence. Furthermore as the Committee made a finding that the revocation of his licence was based on the grounds of public safety they resolved that under Section 61(2)(B) that the revocation takes immediate effect.

RESOLVED that:-

1. Mr MF's Private Hire Drivers Licence be revoked as Mr MF is not a fit and proper person to hold such a Licence.

2. As the revocation was on the grounds of public safety the revocation take immediate effect under the provisions of Section 61(2)(B) The Local Government (Miscellaneous Provisions) Act 1976.

**L
57/09**

Combined Driver - Mr F.S.M.B.

Consideration was given to a report regarding a licensed Hackney Carriage and Private Hire Driver who had received 15 DVLA licensing penalty points, through the totting up procedure, and had not been disqualified by the courts due to exceptional hardship.

Mr FSMB had been a licensed Hackney Carriage and Private Hire Driver with this authority since November 2006. His current licence was due to expire on 31st December 2009.

In October 2009 Mr FSMB attended the licensing department to advise he had been to court and convicted, on 7th September 2009, for 'driving otherwise than in accordance with a licence' (LC20) and 'using a vehicle uninsured against third party risks' (IN10). Mr FSMB was given 6 penalty points for this offence at Court but he was not disqualified due to exceptional hardship. Mr FSMB also had 3 live penalty points due to a PC20 which was, 'contravention of Pedestrian Crossing Regulations with moving vehicle', in December 2007. In addition, Mr FSMB had 6 live penalty points for an SP30 'exceeding statutory speed limit on a public road', which he was convicted for in May 2008 and received a £300 fine.

Mr FSMB had received one written warning, since the grant of his licence, in relation to Smoke Free, when he was seen smoking in his vehicle in October 2007. Mr FSMB had not received any complaints against him, since the grant of his licence in November 2006.

Members were reminded that under the provisions of Section 61 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may suspend or revoke or refuse to renew the licence of a hackney carriage and/or private hire driver on any of the following grounds: -

(a) that he has since the grant of the Licence: -

(i) been convicted of an offence involving dishonesty, indecency or Violence; or

(ii) been convicted of an offence under or fails to comply the provisions of the Act of 1847 or of this part of this Act; or

(b) any other reasonable cause.

Members were also advised of the revisions to Section 61 introduced under the Road Safety Act 2006 as follows:

(2a) Subject to subsection (2b) of this section, a suspension or revocation of

the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the driver under subsection (2)(a) of this section

(2b) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

A copy of the adopted guidelines relating to the Relevance of Convictions was available for Members information.

Mr FSMB was in attendance at the meeting and given an opportunity to state his case. The Committee had regard for the report and comments made by Mr FSMB regarding the matters disclosed.

The Committee deliberated over their decision as to whether they were satisfied that Mr FSMB was still a fit and proper person to hold a licence. Holding a combined hackney carriage and private hire licence was a position of trust and holders of such licences were expected to demonstrate a high standard of driving and behave civil and orderly at all times. The Committee were extremely concerned regarding Mr FSMB's history of motoring convictions, which were considered sufficient cause to revoke his licence.

However, the Committee resolved on this occasion to allow Mr FSMB to keep his licence but to issue him with a final warning and subject to Mr FSMB attending the driver improvement course, at his own expense.

RESOLVED that: -

1. Mr FSMB attend the Taxi Driver Improvement Course;
2. Mr FSMB be issued with a final, severe warning as to his future conduct.

L
58/09 **Private Hire Driver - Mr S.W.**

Consideration was given to a report regarding a licensed Private Hire Driver who had a conviction for 'using threatening abusive insulting words or behaviour with the intent to cause provocation' and had been involved in several other incidents involving other road users and the police.

Mr SW was a licensed Private Hire Driver with this authority, and had been licensed with this Authority since December 2008. His current licence was due to expire on 31st December 2009.

In August 2009, the licensing department received information from Cleveland Police via the Notifiable Occupations Scheme, with regard to a conviction Mr SW received in January 2009 following an incident in November 2008. Mr SW did not make the Licensing department aware of his conviction, nor did he advise the department prior to the grant of his licence. Mr SW was interviewed by Officers on 28th September 2009 regarding the information, giving his version of events. Mr SW was apologetic for his behaviour and accepted that it

was the wrong thing to do. A copy of the information from Cleveland Police and the transcript of the interview were made available for members information.

Additional to the information provided above other issues between Mr SW and members of the public had become apparent and a statement from an incident with a Police Sergeant had also been provided. Mr SW denied this incident and advised that his solicitor was looking in to it.

Police also provided reports of other road rage incidents involving Mr SW and a copy of the chronology of incidents was made available for members information. Mr SW's comments in response to these incidents were noted in the summary of his interview with the Licensing department.

According to Council records Mr SW had not received any complaints from customers or members of the public, or had any enforcement visits, since the grant of his private hire badge.

Members were reminded that under the provisions of Section 61 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may suspend or revoke or refuse to renew the licence of a hackney carriage and/or private hire driver on any of the following grounds: -

(a) that he has since the grant of the Licence: -

(i) been convicted of an offence involving dishonesty, indecency or Violence; or

(ii) been convicted of an offence under or fails to comply the provisions of the Act of 1847 or of this part of this Act; or

(b) any other reasonable cause.

Members were also advised of the revisions to Section 61 introduced under the Road Safety Act 2006 as follows:

(2a) Subject to subsection (2b) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the driver under subsection (2)(a) of this section

(2b) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

A copy of the adopted guidelines relating to the Relevance of convictions was made available for Member's information.

Mr SW and Sergeant Whitfield were in attendance and were each given an opportunity to state their case.

The Committee took into consideration that Mr S W had taken steps to address his anger though requesting a referral via his GP in order to attend an anger

management course. The Committee therefore resolved to suspend Mr S W's licence, until such time as, he had satisfactorily completed the anger management course for which his GP had made a referral. The findings of the Committee were that his aggressive and potentially violent behaviour required the suspension to take immediate effect as public safety was deemed to be an issue pursuant to Section 61(2b) of the Local Government (Miscellaneous Provisions) Act 1976.

RESOLVED that:-

1. Mr S W's Private Hire licence be suspended until he has completed the anger management course.
2. The suspension take immediate effect as public safety was deemed to be an issue pursuant to Section 61(2b) of the Local Government (Miscellaneous Provisions) Act 1976.

**L
59/09**

Application For Private Hire Driver Licence - Miss S.A.S.

Consideration was given to a report regarding the grant of a Private Hire drivers licence from an applicant who had a relevant Police Caution. The offence details were 'possession controlled drug with intent to supply – class C'

Miss SAS had made an application to become a Licensed Private Hire Vehicle driver. As part of the application process a Criminal Record Bureau check was carried out and this revealed a Police Caution dated the 26 April 2005. This was recorded as 'Possessing Controlled Drug With Intent to Supply – Class C' for an offence committed on 7 April 2005. Following this Miss SAS was invited to the office for an interview in relation to the information we had received and a copy of the record of the interview was available for Members information.

The Police Caution was not declared on her application form as Miss SAS did not believe it to be relevant. She alleged that a previous application had been made to Hartlepool Borough Council where this did not come back on the check that was done by them. The application to Hartlepool was not completed as she had failed to pass the local knowledge test. Checks were made with Hartlepool who could not confirm any details of the application.

Miss SAS had agreed to undertake a formal Drug Screening Test, this was carried out by trained council offices and proved to be negative.

In support of her application, Miss SAS produced a BTEC Award in Transporting Passengers By Taxi and Private Hire. This was undertaken at Northumberland College, which she completed in July 2009. She also had the offer of employment from one of the large Private Hire Companies licensed by this Authority.

Member were reminded that under the provisions of Section 51(1) (a) of the Local Government Miscellaneous Provisions Act 1976 which instructs District Councils not to grant a licence to drive private hire vehicles unless they are satisfied that the applicant is a fit and proper person to hold such a licence. A copy of the Councils adopted guidelines on the relevance of convictions was available for Members information.

Miss SAS was in attendance and was given an opportunity to state her case.

The Committee considered the content of the report and comments made by Miss SAS in relation to the circumstances of her Police Caution for 'Possession of controlled substance with intent to supply – Class C Drugs'

After retiring to consider their decision the Licensing Committee decided to grant Miss SAS a licence with a written warning regarding her future conduct. In reaching their decision they took into account Miss SAS' previous good character both before and after she received the caution and noted that this was an isolated incident and that over four years have elapsed.

RESOLVED that Miss SAS's application for a Private Hire Driver Licence be granted with a warning as to her future conduct.

**L
60/09**

Application For Private Hire Drivers Licence - Mr W.H.

Consideration was given to a report regarding an application for a private hire drivers licence from an applicant who was previously licensed by this Authority but had his licence revoked by this Committee in August 2005 following a complaint from a female customer, who stated that Mr WH made obscene comments and remarks when she got a taxi home in Mr WH car.

Mr WH had applied to become a licensed Private Hire Driver with this Authority. He had 3 penalty points on his DVLA driving licence which he received on the 30th January 2009 for the offence of TS20, failing to comply with double white lines.

Mr WH was previously licensed as a combined Hackney Carriage and Private Hire Driver with this Authority between December 1992 and August 2005 when his licence was revoked by this Committee.

Records showed that Mr WH appeared before the Licensing Committee in August 2005 following a complaint from an upset female customer, who stated that Mr WH made obscene comments and remarks when she got a taxi home in Mr WHs car.

Member were reminded that under the provisions of Section 51(1)(a) Local Government Miscellaneous Provisions Act 1976 which instructs District Councils not to grant a licence to drive private hire vehicles unless they are satisfied that the applicant is a fit and proper person to hold such a licence.

Mr WH was in attendance and given an opportunity to state his case.

The Committee had full regard to the report presented and Mr WH's comments made regarding the matters outlined.

The Committee found that when previously licensed by the Council Mr WH had been the subject of two complaints of a sexual nature. The Committee previously found that Mr WH had not been wholly truthful when interviewed on that complaint.

The Committee were concerned that when asked why Mr WH wanted to be licensed as a taxi driver he replied he wanted to "clear his name". This was not the purpose of the Committee hearing as Mr WH had previously been held not to be a fit and proper person.

The Committee had to consider whether since Mr WH's licence was revoked he could now be considered to be a fit and proper person. The Committee were not satisfied he were a fit and proper person to hold a licence owing to his previous disciplinary behaviour. The Committee were mindful that public safety was a paramount consideration when considering applications and as such could not be satisfied that if licensed public safety would not be at risk.

Mr WH's application was therefore refused by the Committee under the provisions of section 51(a) of the above-mentioned Act, on the grounds that he was not considered to be fit and proper person to hold such a licence.

RESOLVED that the application be refused on the grounds that Mr WH was not considered a fit and proper person to hold a private hire drivers licence owing to his previous disciplinary history with the Council.

**L
61/09** **Combined Driver - Mr Z.A.G.**

Mr Catterall (Solicitor representing Mr Z A G) made an application on behalf of Mr Z A G for deferment of the item on the grounds that three of the four witnesses were not in attendance at the meeting and would be required to give evidence. The Members agreed to defer the item so that efforts could be made to allow the witnesses to attend.

RESOLVED that the item be deferred.

**L
62/09** **Private Hire Driver - Mr P.L.W.**

Consideration was given to a report regarding a licensed private hire driver who failed to submit an application to enable his three yearly criminal record check to be carried out and who was currently suspended. Mr PLW had been invited to attend the meeting but was not in attendance. The Committee decided to proceed in his absence as they considered that Mr PLW had been given sufficient notice of the meeting.

Mr PLW was a licensed private hire driver. He had held a licence since March 2003 and his licence was due to expire on 31 March 2010.

As part of the process to ensure drivers were still considered to be a fit and proper person to hold their licence they were required to submit an enhanced criminal record check with the Criminal Records Bureau every 3 years.

Mr PLW was written to and advised that his next check was due on 14 July 2009 and requested to complete the appropriate form to enable this check to be carried out. As he failed to complete the application a reminder letter was sent to him on 10 September 2009. Despite these letters Mr PLW failed to return his completed forms and this resulted in his private hire drivers' licence being

suspended by the Trading Standards and Licensing Manager using his delegated powers on 9 October 2009. To date Mr PLW had not made contact with the Licensing Office or completed his application for a criminal record check.

Members were reminded that under the provisions of Section 61(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may suspend or revoke or refuse to renew the licence of a hackney carriage and/or private hire driver on any of the following grounds:-

- (a) that he has since the grant of the licence:-
 - (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or fails to comply with the provisions of the Act of 1847 or of this part of this Act; or
- (b) any other reasonable cause

Members were also advised of the revisions to Section 61 introduced under the Road Safety Act 2006 as follows:

(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the driver under subsection (2)(a) of this section

(2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

After consideration of the report the Committee resolved that Mr PLW's failure to submit to a criminal record check with the Criminal Records Bureau meant that they were unable to determine his continued fitness to hold a drivers licence and that in the interests of public safety this was sufficient grounds under Section 61(1)(b) of the above mentioned Act to be deemed a reasonable cause for revoking your Private Hire Drivers Licence. Furthermore as the Committee made a finding that the revocation of your licence was based on the grounds of public safety they resolved that under Section 61(2)(B) that the revocation takes immediate effect.

RESOLVED that:-

1. Mr PLW's Private Hire Drivers Licence be revoked as Mr PLW is not a fit and proper person to hold such a Licence.
2. As the revocation was on the grounds of public safety the revocation take immediate effect under the provisions of Section 61(2)(B) The Local Government (Miscellaneous Provisions) Act 1976.

Hackney Carriage Driver - Mr N.I.

Consideration was given to a report regarding a licensed hackney carriage driver who failed to submit an application to enable his three yearly criminal record check to be carried out and who was currently suspended. Mr NI had been invited to attend the meeting but was not in attendance. The Committee decided to proceed in his absence as they considered that Mr NI had been given sufficient notice of this meeting.

Mr NI was a licensed hackney carriage driver. He had held a licence since July 1997 and his current licence was due to expire on 31 May 2010. As part of the process to ensure drivers were still considered to be a fit and proper person to hold their licence they were required to submit to an enhanced criminal record check with the Criminal Records Bureau every 3 years.

Mr NI was written to and advised that his next check was due on 14 July 2009 and requested to complete the appropriate form to enable this check to be carried out. As he failed to complete the application a reminder letter was sent to him on 10 September 2009. Despite these letters Mr NI failed to return his completed forms and this resulted in his private hire drivers' licence being suspended by the Trading Standards and Licensing Manager using his delegated powers on 9 October 2009. To date Mr NI had not made contact with the Licensing Office or completed his application for a criminal record check.

Members were reminded that under the provisions of Section 61(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may suspend or revoke or refuse to renew the licence of a hackney carriage and/or private hire driver on any of the following grounds:-

- (a) that he has since the grant of the licence:-
 - (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or fails to comply with the provisions of the Act of 1847 or of this part of this Act; or
- (b) any other reasonable cause

Members were also advised of the revisions to Section 61 introduced under the Road Safety Act 2006 as follows:

(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the driver under subsection (2)(a) of this section

(2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

After consideration of the report the Committee resolved that Mr NI's failure to submit to a criminal record check with the Criminal Records Bureau meant that they were unable to determine his continued fitness to hold a drivers licence and that in the interests of public safety this was sufficient grounds under Section 61(1)(b) of the above mentioned Act to be deemed a reasonable cause for revoking your Hackney Carriage Drivers Licence. Furthermore as the Committee made a finding that the revocation of Mr NI's licence was based on the grounds of public safety they resolved that under Section 61(2)(B) that the revocation takes immediate effect.

RESOLVED that:-

1. Mr NI's Private Hire Drivers Licence be revoked as Mr NI is not a fit and proper person to hold such a Licence.

2. As the revocation was on the grounds of public safety the revocation take immediate effect under the provisions of Section 61(2)(B) The Local Government (Miscellaneous Provisions) Act 1976.

**L
64/09**

Private Hire Driver - Mr G.S.

Consideration was given to a report regarding a licensed private hire driver who had his licence approved with a warning as to his future conduct and who had been convicted of using his mobile phone whilst driving.

Mr GS was a licensed private hire driver, first licensed in September 2006 and his current licence expired on 30 September 2009.

Mr GS's original application was approved by officers, using delegated powers, subject to a warning as to his future conduct because of past convictions. Mr GS was written to again on 24 September 2008 for failing to notify a motoring conviction that he had received for speeding on 23 January 2008. On 28 July 2009 Mr GS notified the Council that he had been convicted of a CU80 offence, using a mobile phone whilst driving, in July 2009 for which he received 3 points and a fixed penalty of £60.

Members were respectfully reminded that under the provision of Section 61 the Local Government (Miscellaneous Provisions) Act 1976 the Council may suspend or revoke, or on application refuse to renew the licence of a hackney carriage and/or private hire driver on any of the following grounds:-

- 1) (a) that he has since the grant of the licence –
 - (i) been convicted of an offence involving dishonesty, indecency or violence, or
 - (ii) been convicted of an offence under or fails to comply with the provisions of the Act of 1847 or of the part of the Act; or
 - (iii) any other reasonable cause.

2)(A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the driver under subsection (2)(a) of this section.

2)(B) If it appears that the interest of the public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section include a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

A copy of the Council's adopted guidelines relating to the relevance of convictions is attached at Appendix 5 for Members information.

Mr GS was in attendance at the meeting and given an opportunity to state his case.

After consideration of the report and comments made by Mr GS, when he accepted that he had acted irresponsibly for which he was now apologetic, the Committee decided on this occasion to renew his licence subject a final written warning as to Mr GS future conduct.

Members expressed their concern and took a dim view in relation to Mr GS' conviction which they considered to be a serious offence and advised him that licensed drivers were expected to demonstrate a high standard of driving. Therefore, should Mr GS receive any further convictions or fail to comply with the conditions of his licence then his fitness to hold a private hire driver's licence would be reconsidered by the Licensing Committee, when this final warning will be revisited.

RESOLVED that:-

1. Mr GS's application for a Private Hire Driver Licence be granted.
2. A copy of the warning letter to remain on file and be referred to should any future complaint or disciplinary matter come to the attention of the Licensing Unit.