

General Licensing Committee

A meeting of General Licensing Committee was held on Tuesday, 8th September, 2020.

Present: Cllr Paul Kirton (Chairman), Cllr Eileen Johnson (Vice-Chair), Cllr Jacky Bright, Cllr Evaline Cunningham, Cllr Mick Moore, Cllr Maurice Perry, Cllr Andrew Sherris, Cllr Marilyn Surtees, Cllr Hilary Vickers, Cllr Julia Whitehill, Cllr Bill Woodhead MBE

Officers: Sarah Whaley, John Wynn, Peter Bell (MD); Natalie Hodgson, Jonathan Nertney (HR, L&C).

Also in attendance: Combined Private Hire / Hackney Carriage Driver Applicant - 121453

Apologies: Cllr Chris Clough, Cllr Ken Dixon, Cllr Tina Large

GLC 1/20 **Declarations of Interest**

There were no declaration of interests.

GLC 2/20 **Minutes of the Meeting held on 17th March 2020 - For Approval/Signature**

Consideration was given to the Minutes from the General Licensing Committee meeting which was held on the 17th March 2020 for approval and signature.

RESOLVED that the minutes be approved and signed as a correct record by the Chair.

GLC 3/20 **Exclusion of the Public**

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

GLC 4/20 **Private Hire Driver - 121453**

Members were asked to consider a report and determine what action to take for an application for a Combined Private Hire/Hackney Licence from Applicant - Ref 121453 who had previously had a combined licence revoked by this committee.

Applicant - Ref 121453 was in attendance at the meeting and given the opportunity to make representation.

Committee papers and reports had been provided to all relevant parties prior to the meeting.

The report detailed the following:

- A copy of Applicant Ref - 121453's application including a DVLA check.

- A copy of a revocation letter.
- A copy of a summary transcript.
- A copy of a summary of facts for an investigation relating to Applicant Ref - 121453.
- A copy of a warning letter.

The Committee noted that Applicant Ref - 121453 had submitted an application for a combined hackney carriage and private hire driver licence and that Section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 instructs a Local Authority 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.

The Committee had regard to the report and appendices and the oral evidence Applicant Ref- 121453 gave to the Committee and the answers to questions which were put to him.

- The Committee noted Applicant Ref – 121453’s previous history when he had been licensed with this Authority to drive private hire vehicles, details of which were set out in the Committee report.
- While previously licensed Applicant Ref -121453 had also plied for hire without a licence for which he had been prosecuted. Such an offence being relevant to taxi licensing law was also considered extremely seriously by the Committee.
- The Committee had regard to current transport policy and noted the rehabilitation periods which applied to major traffic offences. Applicant Ref – 121453’s conviction for driving without insurance was a major traffic offence.
- The Committee noted that in 2016 Applicant Ref - 121453 had not been prosecuted by the Police for leaving the scene of an accident, however, the Committee noted the findings as set out in the decision letter and minutes following the Licensing Committee meeting held in 2016. The circumstances of the incident and Applicant Ref – 121453’s actions were in the opinion of the Committee clearly aggravating features and as such should be considered as a major traffic offence.
- Under the Councils guidelines, at best, Applicant Ref - 121453 would only potentially just be at the point of arguing compliance with Council policy. The Committee noted however, that Applicant Ref - 121453 had several previous convictions and incidents connected with his previous licensing history which was relevant when considering whether Applicant Ref - 121453 was deemed to be a fit and proper person.
- The Committee noted that Applicant Ref - 121453 had not completed his application form correctly. Applicant Ref - 121453 had not disclosed his convictions on his application form. The Committee were of the view that Applicant Ref - 121453 had not shown any genuine remorse for his previous

behaviour while licensed.

- Members resolved that given these facts Applicant Ref - 121453 was not deemed to be a fit and proper person to hold a licence at this time and his application was refused.

RESOLVED that Combined Private Hire / Hackney Carriage Applicant – Ref 121453's application for a Combined Private Hire / Hackney Carriage Drivers Licence be refused for the reasons as detailed above.