

**LICENSING SUB-COMMITTEE
11TH SEPTEMBER 2017**

Sub-committee Members: Councillors Lowe (Chair), Parton and Tillotson

1. DECLARATIONS OF INTEREST

No declarations were made.

2. EXEMPT INFORMATION

RESOLVED that members of the public be excluded from the meeting during the consideration of the following item on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and it was considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

3. REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE

Considered an exempt report of the Licensing Manager to review a Hackney Carriage Driver's Licence in accordance with the Council's Hackney Carriage and Private Hire Licensing Policy (item 3 on the agenda filed with these minutes).

The following parties attended:

Hackney Carriage Driver's Licence Holder;
Licensing Manager and Licensing Enforcement Officer (RP);
Legal Advisor to the Sub-committee (L. Gilligan);

Introductions were made and the procedure to be followed explained.

The Licensing Manager presented the exempt report and answered questions from members of the Sub-committee and other parties present.

The Hackney Carriage Driver's Licence Holder was given the opportunity to set out the reasons why he ought to be considered as a fit and proper person to continue to hold a Hackney Carriage Driver's Licence and answered questions from members of the Sub-committee and other parties present.

The Hackney Carriage Driver's Licence Holder was given the opportunity to sum up and make any final comments.

The Hackney Carriage Driver's Licence Holder stated that he did not wish to remain at the meeting to hear the Sub-committee's decision, but would call the Licensing Enforcement Officer later that day to be informed of that, noting that he would also receive the decision in writing.

Members of the Sub-committee retired from the meeting to give the matter full and detailed consideration and to consider their decision. They were accompanied by the Legal Advisor (for the purposes only of advising on the law and on suitable wording for the Sub-committee decision).

On return to the meeting, the Legal Advisor read out the Licensing Sub-committee's decision on its behalf.

RESOLVED

1. that the Hackney Carriage Driver's Licence Holder be allowed to retain his Hackney Carriage Driver's Licence;
2. that the Licensing Manager be asked to issue a strict warning to the Hackney Carriage Driver's Licence Holder regarding his future conduct, to include an advisory note that he keeps suitable contact details for future bookings, so that he can cancel bookings should he be prohibited from operating as a Hackney Carriage Driver in the future and so that he does not find himself in a similar position to this occasion;
3. that the 12 Council Penalty Points on the Hackney Carriage Driver's Licence concerned remain on that licence for a further 12 months from the date of this meeting, such that any further Council Penalty Points received during that period would result in the matter being referred to the Licensing Sub-committee.

Reason

The Sub-committee considered carefully the evidence submitted and what action would be appropriate, including whether revocation of the licence was required. It concluded that the actions set out above were appropriate, noting in particular that the action set out in resolution 3. was intended not to be punitive, but rather to reflect the serious nature of the matter.

NOTE:

These minutes have been confirmed as a correct record by the Chair of this Licensing Sub-committee.