

Licensing Sub-Committee – Meeting held on Tuesday, 15th January, 2013

Present:- Councillors Sohal (Chair), Malik and Plimmer

Officers Present:- Kuldip Channa, Principal Solicitor, Regulatory Law, Niall Toru, Trainee Solicitor, Teresa Clark, Senior Democratic Services Officer, Hannah Hughes, Trainee Democratic Services Officer

PART 1

30. Declarations of Interest

None were received.

31. Minutes of the Last Meeting held on 15th October 2012

Resolved- That the minutes of the meeting held on 15th October 2012 be received.

32. Minutes of the Last Meeting held on 12th November 2012

Resolved- That the minutes of the meeting held on 12th November, 2012 be approved as a correct record.

33. Review of Premises Licence: S D Wines, 131 Bath Road, Slough

The Chairman welcomed all parties to the meeting. The Appellant and his Agent were not in attendance.

Mrs Channa, Assistant Solicitor, Slough BC, advised the Sub-Committee that Mr Bahal, representing Mr Rajasansi, had requested an adjournment in order that evidence referred to within the statement of Mr Cooke, Trading Standards Officer, could be played at the Sub-Committee hearing.

The Sub-Committee agreed that the hearing should be adjourned and that a transcript of the information requested be made available for the future hearing.

Resolved – That consideration of the matter be adjourned.

(The meeting adjourned at 10.05 am and reconvened at 12.30 pm)

34. Exclusion of the Press and Public

Resolved – That the press and public be excluded from the remainder of the meeting as the items to be considered contain exempt information relating to individuals as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).

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35. Private Hire Driver Conduct Hearing (Reference 04-12)

All parties were welcomed to the meeting, including the translator for the Appellant, and the procedure for the hearing was outlined. It was confirmed that all had received a copy of the paperwork. It was noted that consideration of the matter had been adjourned from the meeting of the Sub-Committee held on 12th November, 2012 in order that a signed witness statement from Mr Idowu be presented, together with copies of notes from Officers' pocket books. It had also been requested that Mr Idowu, Licensing Officer be present at the reconvened meeting.

The revocation of the Appellant's private hire driver's licence was referred to the Sub-Committee on the grounds that he had conducted himself in such a manner that he was no longer a fit and proper person to continue to hold a private hire driver's licence. The Sub-Committee also noted that there was a breach of condition of the private hire licence in that the Appellant had failed to display his private hire vehicle plate.

It was highlighted that the Sub-Committee had the power to suspend or revoke a Private Hire Driver's Licence and/or place penalty points on that licence.

The Senior Licensing Officer, informed Members that the Appellant's car was used by an unlicensed driver to pick up passengers at a location in Slough on 31st August 2012. Mrs Rumney, stated that she and a colleague, Mr Idowu, were carrying out enforcement duties at Slough train station, when they noticed the Appellant's vehicle in the drop off area picking up passengers at 8.35am. It appeared that the rear of the vehicle had markings to the rear where a plate would be displayed but none was on display. Details of the vehicle were noted by officers for checking as the vehicle had driven off prior to Officers having had an opportunity to approach the driver.

At 9 am Officers found the same vehicle parked in Tesco's car park and it was noted that an Asian male was sitting in the driver's seat. Mr Idowu confirmed that this was the same individual who he had seen driving the vehicle when it pulled into the drop off point at Slough train station. Mrs Rumney referred the Sub-Committee Members to Mr Idowu's witness statement contained within the report.

Members asked a number of questions of clarification of Officers and the Appellant.

The Appellant submitted that he did not allow or give anyone permission to drive his car. He contended that many other cars had the same four digits as his own car, suggesting that the Licensing Officers could have been mistaken when identifying the car which picked up passengers at the train station. The Licensing Officer confirmed that the full unique registration had been recorded.

The Sub Committee considered all the written and oral information at its disposal. From the evidence available and in the absence of any convincing

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submission by the Appellant, the Sub-Committee accepted on balance that the Appellant had permitted another person to use his private hire vehicle for the purposes of private hire activity on Friday 31st August, 2012 thereby casting doubt as to whether he was a fit and proper person to hold a private hire driver's licence. The Sub-Committee decided not to revoke the driver's private hire driver's licence on this occasion but resolved that his licence should be suspended for three weeks. Further, the Sub-Committee decided that 3 penalty points would be placed on the driver's licence for the failure to display the private hire vehicle licence plate in accordance with the conditions of the licence. The penalty points would remain on the licence for a period of twelve months. Driver ref 04-12 was also issued with a strict warning with regard to his future conduct and advised that any future breaches of the conditions of his licence and any conduct issues would result in the driver being requested to re-appear before the Sub-Committee.

Resolved - That Appellant 04-12's Private Hire Driver Licence be suspended for a period of three weeks; that he be issued with 3 penalty points on his private hire driver's licence; and that he be issued with a strict warning regarding his future behaviour and compliance with the conditions of his private hire driver's licence.

Chair

(Note: The Meeting opened at 10.00 am and ended at 2.55 pm))