

Licensing Sub-Committee – Meeting held on Monday, 22nd July, 2013.

Present:- Councillors Mittal (Chair), Davis and Plimmer

Officers Present:- Mrs Clark (Democratic Services), Ms Okafar, (Legal Services)

PART 1

10. Declarations of Interest

None were received.

11. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance note on Predetermination and Predisposition.

12. Minutes of the Last Meeting held on 17th June 2013

Resolved – That the minutes of the meeting held on 17th June be approved as a correct record.

13. 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).

14. Private Hire Driver Conduct Hearing (Reference 04-13)

The Chair welcomed all parties to the meeting and after introductions explained the procedure for the hearing. An application by the Appellant for a Private Hire Renewal document submitted on 20th December 2009 was tabled (also circulated prior to the meeting).

The Senior Licensing Officer requested that the Sub Committee decide whether the Appellant (ref 04-13) was a fit and proper person to continue to hold a Private Hire Driver's licence in view of the following:

- *He was convicted on 25th November 2009 for the offence of 'No Insurance' for which he received 6 penalty points on his DVLA driving licence and a fine of £525.*
- *He failed to notify the Licensing Authority of his conviction within 7 days which was in breach of the Council's Private Hire Driver and Vehicle conditions.*

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- *He made false declarations on his renewal application forms in 2011, 2012 and 2013 and failed to declare the conviction and subsequent fine.*
- *In his renewal application form dated the 21 December 2009 he also failed to declare the conviction and subsequent fine.*
- *He produced an invalid DVLA licence to the Licensing Authority.*

The Senior Licensing Officer outlined the circumstances of the case and requested that the Sub-Committee consider whether the driver's licence was revoked, suspended, or that a strict warning be issued regarding his future conduct.

Members considered the mitigation submitted by the Appellant's appointed representative, who advised that at the time in question, the Appellant believed he had legitimate insurance and was not aware that the insurance broker he had paid had failed to forward his payment to the relevant insurance company who subsequently went bankrupt. The Sub-Committee noted the reasons put forward in the Appellant's defence but since none of this was supported by documentary evidence Members decided that little weight could be added to this.

Both parties were given an opportunity to provide a brief summary.

It was highlighted that the Sub-Committee could only grant a Private Hire Drivers Licence if they were satisfied that the applicant was a fit and proper person. Similarly, if an incident involving a driver was brought to its attention, the Sub-Committee had the power to suspend, revoke or not issue that licence. Licence holders provided a public service and their primary responsibility was the safety of members of the public and to adhere to the law.

The Sub-Committee considered the actions and failings on the driver's part to be serious and therefore decided that his Private Hire Licence be suspended for a period of 6 months. Members felt the period of suspension was reasonable and proportionate in view of the seriousness of his failure to comply with the conditions of his licence.

In reaching its decision, the Sub-Committee noted that errors had been made within the Licensing Department's cross-referencing systems which resulted in the 6 penalty points imposed on the drivers DVLA driving licence not being picked up earlier.

Resolved – That Appellant 04-13's Private Hire driver Licence be suspended for 6 months.

Chair

(Note: The Meeting opened at 10.10 am and closed at 11.05 am)