

Licensing Sub-Committee – Meeting held on Thursday, 22nd September, 2011.

Present:- Councillors Dodds (Chair) and Long.

Officers Present:- Mrs Kauser (Democratic Services) and Ms Okafor (Legal Services)

Apologies for Absence:- Councillor Davis.

PART 1

9. Declarations of Interest

None.

10. Minutes of the Last Meeting held on 11 August 2011

The minutes of the meeting held on 11 August 2011 were approved as a correct record.

11. 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).

12. Private Hire Driver Conduct Hearing (Reference 01-11)

The Democratic Services Officer informed the Sub-Committee that notification of the hearing and associated paperwork had been sent to the Appellant via recorded delivery. It was noted that no contact had been made by the Appellant to request an adjournment of the hearing.

Following legal advice, Members of the Sub-Committee decided to proceed and determine the matter in absence of the Appellant, based on the written information available. It was decided that the matter be considered in absence of the Appellant due to the seriousness of the issue.

In introducing the report, the Licensing Officer stated that the Appellant currently held a Private Hire Driver and Private Hire Operator Licence. It was noted that the Appellant was convicted for battery in November 2010 following an incident committed in March 2010. Members were informed that the Appellant did not mention that he was on bail or subject to any outstanding charge or summons on his renewal application form which was submitted in July 2010.

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It was noted that the matter had only been brought to the attention of the Licensing Office following the receipt of a Criminal Record Bureau disclosure in February 2011.

Although Members were reminded that the Council's Policy and Guidance on Convictions and Cautions stated that a firm line should be taken with applicants who had convictions or cautions relating to violence; each case was to be considered on its own merits. Options available were outlined for Members consideration.

A Member questioned how many individuals were employed by the Appellant under his private hire operator's (PHO) licence. The Licensing Officer stated that although the Appellant held a PHO licence, apart from himself, he did not employ any other individuals.

Resolved: That Appellant Reference 01-11's Private Hire Driver and Private Hire Operator licences' be revoked immediately under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976.

13. Private Hire Driver Conduct Hearing (Reference 02-11)

The Democratic Services Officer (DSO) confirmed that the Appellant had been sent notification of the hearing via recorded delivery, following which the Appellant contacted the DSO to request an adjournment of the hearing. Sub-Committee Members were informed that the Appellant had stated that he was currently out of the country due to a family emergency. The DSO informed Members that you had stated you would be available from the first week of October 2011 onwards.

Resolved – That consideration of Private Hire Driver Conduct Hearing (Reference 02-11) be adjourned.

14. Private Hire Driver Conduct Hearing (Reference 03-11)

Following introductions, the Chair explained the procedure for the hearing and confirmed that all parties had received a copy of the paperwork.

Prior to commencement of the hearing, the Licensing Officer clarified that this was a conduct hearing for a combined private hire/hackney carriage licence and not only a private hire conduct hearing as stated within the Licensing Officer's report. The Appellant confirmed that this was correct and that he was in agreement for the matter to be considered on this basis.

The Licensing Officer stated that the Appellant was arrested in February 2011 for the offence of 'solicit another for the purpose of obtaining their sexual services as a prostitute in a street/public place' and convicted for the offence in June 2011. It was noted that the matter was brought to the attention of the Licensing Office following a local newspaper article.

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The Appellant addressed the Sub-Committee and stated that he was very remorseful of his actions and provided an explanation regarding events that had led to the incident. The Appellant submitted that he was aware of the seriousness of the offence and that it was irresponsible behaviour. A number of character references were circulated to the Sub-Committee for their consideration.

In summing up, the Licensing Officer reminded Members of the options available to them and referred to the Policy on Convictions and Cautions which stated that an application should not be considered until a period of three years free from conviction or caution was shown.

The Appellant provided a brief summary stating that he regretted his actions.

Resolved – That Appellant Reference 03-11's combined Private Hire/Hackney Carriage Driver's Licence be revoked immediately under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976

Chair

(Note: The Meeting opened at 10.00 am and closed at 11.25 am)