

# MINUTES

LICENSING COMMITTEE  
FRIDAY, 6 JANUARY 2012



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## COMMITTEE MEMBERS PRESENT

Councillor Pam Bosworth (Chairman)  
Councillor Robert Broughton  
Councillor George Chivers  
Councillor Breda Griffin  
Councillor Reginald Howard

Councillor Vic Kerr  
Councillor Susan Sandall  
Councillor Mrs Jean Taylor  
Councillor Frank Turner

## OFFICERS

Licensing Officers (Peter Harrison, Pam Robinson)  
Solicitor to the Committee (Paul Rushworth)  
Democratic Officer (Lucy Bonshor)

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## 25. APOLOGIES

Apologies for absence were received from Councillor Rowlands and Councillor Russell for this meeting only.

## 26. DECLARATIONS OF INTEREST

None declared.

## 27. MINUTES OF THE MEETING HELD 7TH OCTOBER 2011

The minutes of the meeting held on 7th October were agreed as a correct record of the decisions taken.

### EXCLUSION OF THE PUBLIC

In accordance with Section 100A(4) of the Local Government Act 1972, it was resolved that the public be excluded because of the likelihood in view of the nature of business to be transacted that if members of the public were present there would be disclosure to them of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act.

## 28. REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE

### Decision

***That no further action is taken with regard to the Hackney Carriage driver's licence.***

***The Committee wishes to place on record a very strong warning to the driver about his future conduct and that he has absolute regard to the information pack given to him. He must read the information contained within the pack again and if he has any misunderstandings as a result of that he must come to the Licensing Officers who will help him with his conduct moving forward.***

The Solicitor to the Committee introduced those present and clarified who was to speak at the meeting.

The Licensing Officer submitted exempt report ENV561 to Members which concerned the review of a hackney carriage driver's licence. Due to the conduct of the driver, Members were being asked if they were satisfied that the person met the 'fit and proper' test which was applied to all hackney carriage and private hire drivers.

The driver then presented his case and answered Members questions.

Both parties who had made statements about the conduct of the driver were then given an opportunity to speak and answered Members questions.

The Licensing Officer then gave his closing statement referring to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the options available to the committee.

The driver then gave his closing statement.

*(10. 45 am the Licensing Officers, hackney carriage driver and other parties left the meeting)*

Members considered the information before them and the representations made during the meeting by all parties. Members felt that although the complaint had been made in good faith, it was likely that genuine misunderstandings had occurred due to the cultural differences between the parties and it was probable that languages had been misinterpreted during conversations. The Committee was mindful that the driver had no convictions and the police had not arrested or charged him with a criminal offence. Furthermore the County Council had investigated the allegations and referred the driver for training. There had been no other complaints about the driver's conduct and they were satisfied with his explanations about the allegations against him. Although there was insufficient evidence that the driver was not 'fit

and proper' having regard to the overriding consideration of public safety, the Committee felt that the driver should be warned as to his future conduct and to once again read the information pack given to him. Following which it was proposed, seconded and unanimously agreed to take no further action.

*(11.04am The Licensing Officers, hackney carriage driver, and other parties return to the meeting)*

The Solicitor to the Committee read out the decision. The Committee had to be satisfied that the driver was a fit and proper person with the overriding consideration being public safety. The Committee were satisfied that the incidents alleged were because of cultural misunderstandings and there was insufficient evidence that the driver was a risk to the public. The Committee noted that the driver had had training and was satisfied that the incidents would not happen again. The decision of the Committee was that no further action was taken with regard to the hackney carriage driver. However, they wished to give the driver a strong warning as to his future conduct and that he once again read the information pack given to him and that if he had any misunderstandings he was to contact the Licensing Officers who would help him.

## **29. CLOSE OF MEETING**

The meeting closed at 11.05am