

AGENDA



For a meeting of the
LICENSING COMMITTEE
to be held on
FRIDAY, 2 NOVEMBER 2012
at
10.30 AM
in the
COUNCIL CHAMBER, COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM NG31 6PZ
Beverly Agass, Chief Executive

Committee Members:	Councillor Mark Ashberry, Councillor Pam Bosworth (Chairman), Councillor Robert Broughton, Councillor George Chivers, Councillor Breda Griffin, Councillor Reginald Howard, Councillor Vic Kerr, Councillor Graddon Rowlands, Councillor Bob Russell (Vice-Chairman), Councillor Mrs Jean Taylor and Councillor Frank Turner
Committee Support Officer:	Lucy Bonshor Tel: 01476 40 61 20 E-mail: l.bonshor@southkesteven.gov.uk

Members of the Committee are invited to attend the above meeting to consider the items of business listed below.

1. APOLOGIES

2. DISCLOSURE OF INTERESTS

Members are asked to disclose any interests in matters for consideration at the meeting.

3. MINUTES OF THE MEETING HELD ON 19TH OCTOBER 2012

(Attached)

EXCLUSION OF THE PUBLIC

It is anticipated that, in accordance with Section 100A(4) of the Local Government Act 1972 (as amended) the public may be excluded from the meeting during consideration of the following item of business because of the likelihood that otherwise exempt information, as described in paragraphs 1 and 2 of the Act (as amended) would be disclosed to the public.

4. REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE

Report number CSL023 by the Community Safety and Licensing Service Manager. **(Attached)**

5. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT.

MINUTES

LICENSING COMMITTEE
FRIDAY, 19 OCTOBER 2012



COMMITTEE MEMBERS PRESENT

Councillor Mark Ashberry
Councillor Pam Bosworth (Chairman)
Councillor George Chivers
Councillor Breda Griffin
Councillor Reginald Howard

Councillor Vic Kerr
Councillor Graddon Rowlands
Councillor Bob Russell (Vice-Chairman)
Councillor Mrs Jean Taylor
Councillor Frank Turner

OFFICERS

Licensing Officer (Richard Etherton)
Solicitor to the Committee (Paul Rushworth)
Democratic Officer (Lucy Bonshor)

7. APOLOGIES

An apology for absence was received from Councillor Broughton.

8. DISCLOSURE OF INTERESTS

None disclosed.

9. MINUTES OF THE MEETING HELD 10TH AUGUST 2012

The minutes of the meeting held on 10th August were agreed as a correct record of the decisions taken.

EXCLUSION OF THE PUBLIC

In accordance with Section 100A of the Local government Act 1972, it was resolved that the public be excluded because of the likelihood in view of the nature of the 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.

10. REVIEW OF A HACKNEY CARRIAGE DRIVERS LICENCE

Decision:

To suspend the Hackney Carriage Driver's Licence for a period of three months.

The Solicitor to the Committee introduced those present and clarified the applicant's name and that he was happy for the person who had come with him to remain in the meeting whilst the review was discussed, to which he replied that he was.

The Licensing Officer introduced exempt report CSL022 which concerned a review of a Hackney Carriage Driver's Licence. The Licensing Officer gave details surrounding the review and information that had been received from Peterborough City Council concerning the driver and his failure to comply with their licensing conditions. He referred Members to the appendices to the report which informed them as to why the driver was before them today.

The applicant then presented his case and gave details of the incidents and answered Members' questions.

The Licensing Officer then gave his closing statement reminding Members to consider the report and appendices before them and the information supplied at the meeting. Members' options were to either:

- Revoke the Hackney Carriage Driver's Licence on the grounds that the driver was not a fit and proper person to hold such a licence under section 61(1)(a)(b) of the Local Government (Miscellaneous Provisions) Act 1976
- Suspend the Hackney Carriage Driver's Licence; or
- Take no action

The driver then gave a short closing statement.

(10.35am Licensing Officer, applicant and interested party left the meeting)

Members discussed the information they had before them and the details that they had received from the driver during the meeting. The Committee was concerned that the driver had previously been reprimanded for transporting school children without authority, he had been caught smoking in his vehicle on more than one occasion and had consequently been suspended by a different licensing authority. He had also been caught throwing litter and had failed to notify the district Council of the suspension of his private hire licence or a fixed penalty notice which had appeared on his driver's licence. The Committee acknowledged the driver's response that he had been smoking an electric cigarette at the time that he had been seen but that he could not afford to contest the allegations and that he had driven to the job involving school

children as an honest mistake. The Committee weighed the evidence in the balance and was satisfied that there was evidence against the driver which overwhelmingly undermined his ability to ensure the safety of the public and consequently it was proposed, seconded and unanimously agreed to suspend the Hackney Carriage Driver's licence for a period of three months.

(11.00am Licensing Officer, applicant and interested party returned to the meeting)

The Solicitor to the Committee then read out the decision. The Committee had considered all the representations from all the parties. The evidence illustrated repeated behaviour from the driver which affected his ability to promote public safety for the reasons outlined above and therefore, the Committee's decision was to suspend the hackney carriage licence for three months. The decision was appealable to the Magistrates Court within 21 days of the written notification of the decision.

11. CLOSE OF MEETING

The meeting closed at 11.03am.

Agenda Item 4

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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