

MINUTES

LICENSING COMMITTEE
FRIDAY, 10 AUGUST 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 Mrs Jean Taylor
Councillor Frank Turner

OFFICERS

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

1. APOLOGIES

Apologies for absence were received from Councillors' Broughton and Russell.

2. DISCLOSURE OF INTERESTS

None disclosed.

3. MINUTES OF THE MEETING HELD 18TH MAY 2012

The minutes of the meeting held on 18th May were agreed as a correct record of the decisions taken.

Councillor Ashberry asked that it be noted that he had received the necessary training to sit on the Committee.

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.

4. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE

Decision:

That the application for a Hackney Carriage Licence be approved as applied for subject to the applicant passing a knowledge test, as the Committee are satisfied that the driver is a 'fit and proper person' pursuant to Section 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The Solicitor to the Committee introduced those present and clarified the applicant's name.

The Licensing Officer introduced exempt report CSL017 which concerned an application for a Hackney Carriage Driver's Licence. The Licensing Officer provided background information to the application and summary of the offences for which the applicant had been convicted. He asked the Committee to consider whether the driver was a 'fit and proper person' to hold a Hackney Carriage Driver's Licence.

The applicant then presented his case giving details of the incident and answering Members questions.

The Licensing Officer then gave a closing statement in which he reminded Members to have regard to the report, the appendices attached to the report and any other information supplied by the applicant at the meeting. Members options were to either:

- issue a licence to drive a hackney carriage
- or refuse to issue a licence to drive a hackney carriage on the grounds that the applicant is not a fit and proper person to hold such a licence under Section 59 (1) of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Officer informed the Committee that if they were minded to grant the licence the applicant would have to undertake a knowledge test.

(10.11am the Licensing Officers and applicant left the meeting)

Members considered the report, the applicant's convictions and the representations made. It was proposed and seconded that the applicant was a 'fit and proper person' to hold a Hackney Carriage Driver's Licence. On being put to a vote, this was unanimously carried.

(10.15am Applicant and Licensing Officers returned to the meeting)

The decision of the Committee was that the licence to drive a hackney carriage

was approved. Having regard to all the circumstances of the case there was nothing to suggest that approval of the hackney carriage driver's licence would, in this instance, undermine the tests of the driver being a fit and proper person with the overriding consideration being public safety.

Meeting adjourned 10.20am.

Meeting reconvened 10.43am.

5. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE

Decision

To refuse the application for a hackney carriage driver's licence as the applicant was not a fit and proper person to hold such a licence under Section 59(1) of the Local Government (Miscellaneous Provisions) Act 1976.

The Solicitor to the Committee introduced those present and clarified the applicant's name.

The Licensing Officer then presented exempt report CSL016 which concerned an application for a hackney carriage driver's licence. He summarised the background information in chronological order and the offences together with the facts given at meetings held with the Licensing Officers.

The Solicitor to the Committee asked for clarification as to the conviction and penalty for the offence of Affray which was described in the report to have happened in October 2010. The Licensing Officer replied.

The applicant apologised for arriving late and then he presented his case and answered questions. The Licensing Officer clarified points made during the presentation to the Committee. In order that the Committee were fully informed the Solicitor to the Committee also asked for clarification on the penalty received for the offence of Affray and whether the applicant was still subject to any community or court orders.

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

- issue a licence to drive a hackney carriage
- or refuse to issue a licence to drive a hackney carriage on the grounds that the applicant is not a fit and proper person to hold such a licence under Section 59 (1) of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Officer informed the Committee that if they were minded to grant the licence the applicant would have to undertake a knowledge test.

(11.00am the Licensing Officers and applicant left the meeting)

Members discussed the information they had received and the facts before them and applied it to the guidance and policy. They expressed concern over the applicant's previous convictions which illustrated a continuing pattern of offending behaviour. There was particular concern about the offence of affray which had been dealt with at the Crown Court. The Committee was mindful that a community based penalty imposed by a Crown Court illustrated the serious nature of the offence. That offence, coupled with the previous offences detailed within the report, the fact that the applicant had not declared the previous convictions properly and had turned up late for the committee led the Committee to conclude that the applicant was not a responsible person for the purpose of driving a hackney carriage. It was proposed, seconded and unanimously agreed that the applicant was not a fit and proper person to hold a hackney carriage driver's licence under section 59 (1) of the Local Government Miscellaneous Provisions Act 1976.

(11.11am the applicant and Licensing Officers returned to the meeting)

The Solicitor to the Committee read of the decision. The Committee had considered the Home Office Guidance and the Department of Transport guidance and considered South Kesteven District Council's Licensing Policy and had decided to refuse the licence because of the seriousness of the offence in 2010 which had been heard by Peterborough Crown Court. This coupled with the other offences and details within the Licensing Officers report, led the committee to conclude that at this time, the applicant was not a fit and proper person for the purposes of holding a hackney carriage drivers licence with the overriding consideration being public safety. The Solicitor to the Committee informed the applicant that the decision was appealable to the Magistrates Court within 21 days of written notification

6. CLOSE OF MEETING

The meeting closed at 11.13am.