

MINUTES

LICENSING COMMITTEE
FRIDAY, 18 OCTOBER 2013



COMMITTEE MEMBERS PRESENT

Councillor Mark Ashberry
Councillor Pam Bosworth (Chairman)
Councillor Robert Broughton
Councillor George Chivers
Councillor Breda Griffin

Councillor Reginald Howard
Councillor Graddon Rowlands
Councillor Bob Russell (Vice-Chairman)
Councillor Susan Sandall
Councillor Mrs Jean Taylor

OFFICERS

Operations Director (Ian Yates)
Community Safety & Licensing Service Manager (Mark Jones)
Licensing Officers (Richard Etherton, Christian Smith)
Solicitor to the Committee (Paul Rushworth)
Democratic Officer (Lucy Bonshor)

6. DISCLOSURE OF INTERESTS

None disclosed.

7. MINUTES OF THE MEETING HELD 10TH MAY 2013

The minutes of the meeting held on 10th May 2013 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.

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8. FITNESS OF A DRIVER TO HOLD A HACKNEY CARRIAGE DRIVER'S LICENCE AFTER ACCUMULATION OF LICENSING AUTHORITY PENALTY POINTS

Decision:

That a strong warning be issued to the driver about his actions and that any future transgressions would be looked at more severely.

The Solicitor to the Committee introduced those present and confirmed the name of the driver present.

Members had before them exempt report CSL039 which concerned whether a Hackney Carriage Driver was fit to hold a hackney carriage drivers licence. The Licensing Officer presented the report and provided a background to the reason that the driver had been brought before the Committee and answered Members questions.

The Driver then presented his case and answered Members questions thereon.

The Licensing Officer then clarified points that had been raised in connection with the driver and gave his closing statement and listed the options available to the Committee:

- a) Suspend the driver for a defined period of time.
- b) Revoke the hackney carriage driver's licence on the grounds that the applicant is 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.
- c) Issue a warning.
- d) Take no action.

(10.25am the Licensing Officers and the applicant left the meeting)

Members considered the report and the representations made during the meeting. Members were very concerned about the applicant's attitude about the seriousness of the matter and the reasons why he had been brought before the committee. It was proposed and seconded that the applicants licence be suspended for three months due to the offences, however this proposal was lost. Further discussion followed and the Solicitor advised the Members that any decision had to be balanced and proportionate. The driver's mitigation was discussed and it was noted that he had recently had a second child. It was then proposed that a strong warning be issued with the applicant being made aware how close he had come to having his licence suspended and any further issues would be looked at with a view to suspension this was seconded and on being put to the vote agreed.

(10.45am the Licensing Officers and the applicant returned to the meeting)

The Solicitor to the Committee read out the decision of the Committee. He

stressed that the Committee were very concerned about the applicants behaviour and that he had come very close to having his licence suspended but due to his personal circumstances only a strong warning was being given, however, if the applicant came before the Committee again a stronger view would be taken.

9. CLOSE OF MEETING

The meeting closed at 10.46am.