

LICENSING AND ENFORCEMENT SUB-COMMITTEE

MEETING : Tuesday, 16th August 2011

PRESENT : Cllrs. Noakes, Porter, C. Witts, Ravenhill, Field, Dallimore and Toleman

Officers in Attendance

Rebecca Tuck, Licensing Enforcement Officer

Gill Ragon, Group Manager, Environmental Health and Regulatory Services

Steve Isaac, Solicitor

Sonia Tucker (Secretary)

APOLOGIES : Cllrs.

26. ELECTION OF CHAIR

Councillor Noakes was elected as Chair.

27. DECLARATIONS OF INTEREST

There were no declarations of interest.

28. EXCLUSION OF PRESS AND PUBLIC

RESOLVED -

That the press and public be excluded during the following items of business on the grounds that it was likely, in view of the nature of business to be transacted or the nature of the proceedings, that if members of the press and public were present during consideration of these items there would be disclosure to them of exempt information as defined in paragraph 1 of section 1001 of the Local Government Act, 1972 as amended

29. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - DISCIPLINARY MATTER - HACKNEY CARRIAGE DRIVER - LICENCE NO. HCD095 - MISS LR (REF ES21115)

The Chair welcomed the licence holder and her representatives and outlined the procedure for the hearing.

The Licensing and Enforcement Officer presented the report to the Sub-Committee and advised of the circumstances of the offence. The Sub-Committee was advised that the purpose of the hearing was to determine whether, in view of the offence, the licence holder was a 'fit and proper person' to continue to hold a Hackney Carriage Drivers Licence. The Sub-Committee was referred to the paragraphs of the adopted guidelines relating to the relevance of convictions and outlined the courses of the action available to the Sub-Committee:

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- To take no action
- To issue a written warning
- To suspend the Hackney Carriage Licence for a period of time to be determined by the Committee but not for a period exceeding the expiry date of the current licence.
- To revoke the licence and if the committee so determine to consider whether to give an indication of a suitable time period to elapse before a fresh application would be considered.

The licence holder indicated that she had no questions to ask of the Officer and did not have anything further to say to the Sub-Committee.

One of the licence holder's representatives made supportive statements on her behalf and gave some background details on her personal circumstances. The representative also stated that she was looking into the possibility of challenging the Caution which had been given by the Police and accepted by the licence holder. It was also confirmed that the licence holder had not been advised by the Duty Solicitor at the time that she could challenge the Caution.

The Chair invited the Sub-Committee members to ask questions of the licence holder:-

- The licence holder was asked how long she had been a Hackney Carriage Driver and her age.
- What action she had taken to date to overturn the Caution

The Licensing and Enforcement Officer then summed up the case. All parties apart from the Solicitor and the Democratic Services Officer withdrew from the room whilst the Sub -Committee deliberated and made its decision.

The Sub-Committee considered the information contained within the report, including the Council's guidelines relating to the relevance of convictions and with regard to the driver's rights under the European Convention on Human Rights, evidence from the Driver, the Department for Transport Guidance, the Council's own Hackney Carriage and Private Hire licensing policy, and the legal implications as set out in the report.

On re-entering the room, all parties were advised of the decision.

RESOLVED -

That Miss LR, Hackney Carriage Drivers Licence (HCD 095) be issued with a final written warning. In making the decision, the licence holder was reminded that that whilst violence in any circumstances was unacceptable, the Committee did not believe there was evidence that Miss LR was not a fit and proper person.

Time of commencement: 19:30 hours
Time of conclusion: 20:10 hours

Chair

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