



LICENSING AND ENFORCEMENT SUB-COMMITTEE

MEETING : Wednesday, 21st March 2018

PRESENT : Cllrs. H. Norman, Hansdot and Walford

Officers in Attendance

Solicitor – One Legal

City Centre Improvement Officer

Democratic & Electoral Services Officer

APOLOGIES : None.

1. ELECTION OF CHAIR

Councillor Walford was elected Chair of the meeting.

2. INTRODUCTIONS AND PROCEDURE

Those present introduced themselves and the Chair outlined the procedure to be followed for the hearing.

3. DECLARATIONS OF INTEREST

No declarations were made on this occasion.

4. EXCLUSION OF PRESS AND PUBLIC

RESOLVED that the press and public be excluded from the meeting during the following item of business on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public are present during consideration of this item there will be disclosure to them of exempt information as defined in paragraphs 1,2,3 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended.

5. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE, LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, SECTION 51(1) (A)

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Licensing Officer's Report

The City Centre Improvement Officer presented the report which invited the Sub-Committee to consider and determine whether Mr Adama Fofana was a fit and proper person to hold a Private Hire Drivers licence.

He outlined the application as detailed in section 3 of the report and drew Members' attention to the convictions detailed in paragraph 3.4.

He confirmed that Mr Fofana's letter appealing against the Officer's decision to refuse the application had been received within 21 days of that decision.

There were no questions from Members or Mr Fofana.

The Applicant's Statement

Mr Fofana stated that he was 40 years of age and married with three children. He had lived in Gloucester for eighteen years and had no issues locally. He stated that the offences had occurred when he was working as a Private Hire Driver in London and on the occasion in 2015 the passenger had been unable to book as the office had been closed.

He stated that his mother, who lived in Liberia, was ill and he sent her money every month as his father had passed away when he was young. He needed the flexibility which private hire driving would provide to enable him to visit his mother and there was a job available to him should Members decide to grant his licence.

He appealed to the Sub-Committee to help him.

The Officer had no questions of Mr Fofana.

The Chair asked Mr Fofana what he had been doing since 2015 and Mr Fofana advised that he had been employed as a fork lift operator for G Tec in Brockworth.

The Chair asked Mr Fofana why he had not included the 2011 conviction on his application form. Mr Fofana believed that the conviction would be regarded as spent after five years. He explained that the circumstances of the offence were similar to that in 2015. The passenger stated that the journey had been booked but he had been unable to obtain confirmation from the office as the answerphone was off and the woman was desperate to return home.

The Chair asked if the vehicle had been properly insured and Mr Fofana stated that he had held the appropriate insurance but acknowledged that it had been invalidated when he took a fare that had not been pre-booked.

Mr Fofana confirmed that he had stopped private hire driving when he left London in 2015 and he did not hold a Private Hire drivers Licence with any other Licensing Authority. He stated that he had been driving in London when he intended moving there but when that went wrong he returned to Gloucester.

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The Chair asked why he had been caught again in 2015 and Mr Fofana stated that the passenger had asked him to take her as she was desperate to return to her home. He confirmed that he held the appropriate insurance from 2011 to 2015 but acknowledged that it had been invalidated as he had been plying for hire.

In answer to a question from Councillor Norman, Mr Fofana stated that he had seen and understood the City Council Rule Book. He stated that rules were rules and he had no questions on the Rule Book.

Licensing Officer's Summing Up

The City Centre Improvement Officer outlined the options available to the Sub-Committee detailed in paragraph 2.1 of the report.

Applicant's Statement

Mr Fofana stated that he had nothing further to add.

The Decision

The Chair, Members of the Sub-Committee and the Solicitor withdrew to consider their decision. Upon their return the Chair read the following statement:-

In accordance with Section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976, and having considered the report and statements by the Applicant and the City Centre Improvement Officer, the Sub-Committee has resolved:-

That Mr Fofana is considered to be a fit and proper person to hold a Private Hire Drivers Licence and his application is granted, however should he be given six or more penalty points in the first year of his Private Hire Drivers Licence he will come before the Sub-Committee.

Time of commencement: 6.15 pm hours

Time of conclusion: 6.45 pm hours

Chair