

**LICENSING SUB-COMMITTEE
4 September 2018**

PRESENT: Councillor David Kelsey - Vice-Chairman in the Chair; Councillors Chris Wakefield and Susan Phillips.

ALSO PRESENT: Councillor Kieron Wilson (reserve member, observing only, for training purposes).

The meeting commenced at 9.49am.

SECTION I - BUSINESS RECOMMENDED TO THE COUNCIL

No items

SECTION II - BUSINESS DECIDED UNDER DELEGATED POWERS

52. APOLOGIES

There were no apologies received for absence.

53. DECLARATIONS OF INTERESTS

There were no declarations of any disclosable pecuniary interests or other interests by Members of the Sub Committee.

54. PUBLIC ITEMS

There were no public questions or deputations received.

55. EXCLUSION OF PRESS AND PUBLIC

DECISION MADE:

That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

56. REVIEW OF PUBLIC CARRIAGE DRIVER'S LICENCE.

The Chairman made introductions and explained the procedure for the hearing which was agreed by all parties. The Sub-Committee considered a non-public report marked '4' which gave details of the actions and behaviour of the named public carriage driver.

The Licensing Officer provided an overview of the actions and behaviour of the named driver and the events that lead to the Public Carriage Driver's Licence review. The Licensing Officer elaborated on the documents that were provided at the meeting, these included: the original complaint from the member of public, a copy of the named driver's driving licence and identification and copy of signed declarations. In addition, a full PNC Report from Dorset Police regarding the named driver's criminal history was provided at the meeting. The Licensing Officer highlighted the fact that the named driver had submitted the original application form and subsequent re-application forms under a different name to that which his previous convictions were registered against.

The named driver attended the hearing and gave a verbal statement in his defence. He provided information on the different names that he had used, explained the events that he believed led to the complaint being made and responded to points made in the complaint.

Members of the Sub-Committee and the Legal Officer asked various questions during the hearing. The questions that were posed related to the named driver's criminal convictions, his use of aliases and the information he provided on his applications for a Hackney Carriage Licence.

DECISION MADE:

That the public carriage driver named in report '4' have his license revoked with immediate effect.

REASONS FOR DECISION:

The Sub Committee determined that the named driver was not a 'fit and proper' person to hold a Hackney Carriage Licence due to his numerous criminal convictions and failure to disclose this information as part of his original and renewal applications. The Chairman stressed the need for drivers to be honest and above reproach and explained that it is highly unlikely that the named driver would have ever been granted a licence had his offences been known to the Licencing Board. The Sub Committee determined that there was a detriment to public safety and that the named driver had been deceitful in his use of aliases to withhold necessary information during the application process. Therefore, the license would be revoked with immediate effect pursuant to Section 61 (2b) of the Local Government (Miscellaneous Provisions) Act 1976.

57. Any Other Business

The Licensing Officer provided an update on a previously deferred Hackney Carriage Licence review. The Sub-Committee was advised that the Licensing Authority was unable to provide evidence to confirm that the Stop notice had been issued correctly. Procedures relating to this had been reviewed and refined. The Sub-Committee confirmed the decision not to proceed with the review.

The Sub-Committee heard that an appeal against the revocation of a Hackney Carriage Licence previously heard by the Licensing Sub-Committee had been upheld at court. The Sub-Committee agreed to send a letter of thanks to the witnesses who attended each of the court dates.

The meeting adjourned between 10:11am and 10:17am
The meeting closed at 10:30pm

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