



Committee and Date
Strategic Licensing Committee
7 th September 2011

Item/Paper
5
Public

Minutes of the South Licensing Committee meeting held on Friday, 8th April 2011

9.30 am – 12.58 pm

Responsible Officer Linda Jeavons
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Present

Councillors: Mary Nicholls
Rosanna Taylor-Smith
Robert Tindall
Tina Woodward

91. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Gwilym Butler.

92. PUBLIC QUESTION TIME

There were no public questions, statements or petitions received.

93. DECLARATIONS OF INTEREST

There were no declarations of interest received.

94. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That in accordance with the provisions of Schedule 12A of the Local Government Act 1972 and Paragraph 10.4 (1) of the Council's Access to Information Procedure Rules, the public and press be excluded during consideration of the following items.

95. APPLICATION FOR A HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Consideration was given to an exempt report of the South Licensing Officer in respect of an application for a Hackney Carriage / Private Hire Driver's Licence.

The South Licensing Officer presented the report, in respect of Case No. 1, to the Committee, providing information on the offences disclosed by the Criminal Records Bureau (CRB) and the Driver and Vehicle Licensing Agency (DVLA), and outlined the guidelines relating to the relevance of the convictions. He confirmed the applicant had disclosed all relevant convictions on the application form.

Members noted the applicant's correct date of birth.

The applicant and his employer were in attendance. The applicant was agreeable to Members and Officers knowing his name. The applicant presented his case to the Committee, providing background information on the circumstances surrounding the offences. The applicant's employer made a statement in support of the applicant, and confirmed the applicant had been employed by him for approximately 15 years and was highly respected and loyal, had passed a relevant NVQ, and had completed the knowledge test as required by Shropshire Council.

Members noted that, although the applicant had 9 points on his licence, 3 points would be discounted from November 2011 onwards. In response to comments from a Member of the Committee relating to the number of points on the applicant's licence, the applicant's employer explained that any driver with 9 points and over on their licence would be required to undertake an advanced driving test.

In response to a question from the Licensing Officer, the applicant confirmed that he was currently licensed with Telford and Wrekin, and his licence had never been suspended or revoked.

In response to questions from Members of the Committee and the Solicitor, the applicant provided further clarification on the offences detailed in the report, and confirmed he was carrying fare paying passengers at the time of the three speeding offences.

The Licensing Team Leader summed up the application. The Chairman invited the applicant to make any final comments prior to the Committee making its decision.

Members of the Committee retired to consider the application, in private, at 10.05 am and reconvened at 10.10 am to announce their decision.

RESOLVED:

That the application for a Hackney Carriage / Private Hire Driver's Licence be granted.

Reasons: In making their decision, members of the Committee took into account the guidelines relating to the relevance of convictions, and had regard to the offences detailed in the Officer's report, and were satisfied that the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

The Chairman advised the applicant of the importance of reporting all convictions and cautions to the Licensing Officer within 7 days, in accordance with the conditions of licence, and suggested that the applicant undertake an advanced motoring test.

96. APPLICATION FOR A HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Consideration was given to an exempt report of the South Licensing Officer in respect of an application for a Hackney Carriage / Private Hire Driver's Licence.

The South Licensing Officer presented the report, in respect of Case No. 2, to the Committee, providing information on the offences disclosed by the CRB and DVLA checks, and outlined the guidelines relating to the relevance of the convictions. He confirmed the applicant had disclosed all relevant convictions on the application form.

In response to a question from a Member of the Committee, the Licensing Officer confirmed the applicant currently had six points on his licence.

The applicant, his representative and a family member were in attendance during consideration of the case; and the applicant was agreeable to Members and Officers knowing his name. The applicant's representative presented his case to the Committee, providing background information on the circumstances surrounding the offences.

A document from the County Court was circulated, which confirmed that Conviction No. 2, dated 2 March 2010, as detailed in the report, had been recorded incorrectly and was a duplicate of Conviction No. 1, and the driving licence would be amended in due course. Letters of support from a representative of the applicant's Mosque, and prospective employer, who was prepared to offer the applicant employment, subject to the granting of a licence, were also circulated.

In response to a question from the South Licensing Officer, the applicant confirmed that he had never had a Hackney Carriage / Private Hire Driver's Licence suspended or revoked. At the request of the South Licensing Officer, the applicant read out a passage from the guidance notes; the applicant was unable to read the passage fluently.

In response to questions from Members of the Committee, the applicant's representative confirmed that the applicant obtained his driving licence at the age of 17 and within a short timescale had points for traffic offences; and had never held a Hackney Carriage / Private Hire Driver's Licence.

A Member noted that Offence No. 2 had been committed on the 7th January 2010, and, in response to Members seeking clarification on the timeline of the convictions detailed in the report, the South Licensing Officer and Solicitor confirmed that the disqualification period for Conviction No. 1 (dated 31 December 2009) did not commence until 14th January 2010. A copy of the applicant's driving licence was circulated.

The South Licensing Officer summed up the application. The applicant's representative summed-up on behalf of the applicant prior to the Committee making its decision.

Members of the Committee retired to consider the application, in private, at 10.58 am and reconvened at 11.24 am to announce their decision.

RESOLVED:

That the application for a Hackney Carriage / Private Hire Driver's Licence be refused.

Reasons: In making their decision, members of the Committee took into account the guidelines relating to the relevance of convictions, and had regard to the offences detailed in the Officer's report, and were not satisfied that the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence. Applicants, who have been disqualified from driving for any period, would not normally be considered for a driver licence until a period of three years has elapsed from the date that the driving licence has been reinstated. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public and the Committee was not satisfied that the applicant had demonstrated any special circumstances to justify an exception to the policy in this case.

The applicant was informed of his right of appeal to a Magistrates' Court within 21 days from the date of notification of the decision.

97. APPLICATION FOR A HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Consideration was given to an exempt report of the South Licensing Officer in respect of an application for a Hackney Carriage / Private Hire Driver's Licence.

The South Licensing Officer presented the report, in respect of Case No. 3, to the Committee, providing information on the offences disclosed by the CRB check, and outlined the guidelines relating to the relevance of the convictions. He confirmed the applicant had disclosed all relevant convictions on the application form, and his licence had been restored on 3 December 2010.

The applicant was in attendance and confirmed he did not require a representative to be in attendance during consideration of his case, and was agreeable to Members and Officers knowing his name. The applicant presented his case to the Committee, providing background information on the circumstances surrounding the offence.

In response to a question from the South Licensing Officer, the applicant confirmed that he had never had a Hackney Carriage / Private Hire Driver's Licence refused, suspended or revoked.

In response to questions from Members of the Committee, the applicant gave further clarification on the circumstances surrounding the offence, and confirmed the ban had been reduced to 18 months following completion of a relevant course; previous to his last employment, he had been licensed with Telford and Wrekin as a taxi driver without complaint; and confirmed the name of his potential employer, subject to the granting of a licence.

The Licensing Team Leader summed up the application. The Chairman invited the applicant to make any final comments prior to the Committee making its decision.

Members of the Committee retired to consider the application, in private, at 11.44 am and reconvened at 11.49 am to announce their decision.

RESOLVED:

That the application for a Hackney Carriage / Private Hire Driver's Licence be granted.

Reasons: In making their decision, members of the Committee took into account the guidelines relating to the relevance of convictions, and had regard to the offences detailed in the Officer's report. They noted that one year had not elapsed following the restoration of a DVLA driving licence, but had taken into account the special circumstances surrounding the offence, and were satisfied that the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

The Chairman advised the applicant of the importance of reporting all new convictions and cautions to the Licensing Officer within 7 days, in accordance with the conditions of licence.

98. APPLICATION FOR A HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Consideration was given to an exempt report of the South Licensing Officer in respect of an application for a Hackney Carriage / Private Hire Driver's Licence.

The South Licensing Officer presented the report, in respect of Case No. 4, to the Committee, providing information on the offences disclosed by the DVLA check, and outlined the guidelines relating to the relevance of the convictions. He confirmed the applicant had disclosed all relevant convictions on the application form.

Members noted that, although the applicant had 9 points on his licence, 3 points would be discounted from 5th April 2011 onwards.

The applicant was in attendance and confirmed he did not require a representative to be in attendance during consideration of his case, and was agreeable to Members and Officers knowing his name. The applicant presented his case to the Committee, providing background information on the circumstances surrounding the offences detailed in the report.

In response to questions from the South Licensing Officer, the applicant confirmed that he had been licensed with Telford and Wrekin for 12 months' without complaint, and the licence had never been revoked or suspended.

In response to questions from Members of the Committee, the applicant confirmed the name of his current employer, and Telford and Wrekin were aware of the offences and number of points and took no action.

The Licensing Team Leader summed up the application. The Chairman invited the applicant to make any final comments prior to the Committee making its decision, but he declined.

Members of the Committee retired to consider the application, in private, at 12.02 pm and reconvened at 12.03 pm to announce their decision.

RESOLVED:

That the application for a Hackney Carriage / Private Hire Driver's Licence be granted.

Reasons: In making their decision, members of the Committee took into account the guidelines relating to the relevance of convictions, and had regard to the offences detailed in the Officer's report, and were satisfied that the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

99. APPLICATION FOR A HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Consideration was given to an exempt report of the South Licensing Officer in respect of an application for a Hackney Carriage / Private Hire Driver's Licence.

The South Licensing Officer presented the report, in respect of Case No. 5, to the Committee, providing information on the offences disclosed by the CRB check, and outlined the guidelines relating to the relevance of the convictions. He confirmed the applicant had disclosed all relevant convictions on the application form

The applicant and his brother were in attendance. The applicant was agreeable to Members and Officers knowing his name. The applicant presented his case to the Committee, providing background information on the circumstances surrounding the offences detailed in the report.

In response to questions from Members of the Committee and the South Licensing Officer, the applicant confirmed that he was currently licensed with Telford and Wrekin and had been for four years without complaint; the licence had never been revoked or suspended; he had no points on his DVLA driving licence; and provided further clarification on the circumstances surrounding the offence as detailed in the report.

The Licensing Team Leader summed up the application. The Chairman invited the applicant to make any final comments prior to the Committee making its decision. The applicant's brother made a statement in support of the applicant.

Members of the Committee retired to consider the application, in private, at 12.13 pm and reconvened at 12.15 pm to announce their decision.

RESOLVED:

That the application for a Hackney Carriage/Private Hire Driver's Licence be granted.

Reasons: In making their decision, members of the Committee took into account the guidelines relating to the relevance of convictions, and had regard to the offences detailed in the Officer's report, and were satisfied that the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

100. APPLICATION FOR A HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Consideration was given to an exempt report of the South Licensing Officer in respect of an application for a Hackney Carriage / Private Hire Driver's Licence.

The South Licensing Officer presented the report, in respect of Case No. 6, to the Committee, providing information on the offences disclosed by the CRB and DVLA checks, and outlined the guidelines relating to the relevance of the convictions, and, in particular drew Members' attention to Conditions of Licence, Appendix 'A', requirement No. 6, which states that "Applicants who have been disqualified from driving for any period, would not normally be considered for a driver licence until a period of three years has elapsed from the date that the driving licence had been reinstated". Members noted that the applicant had declared the convictions disclosed by the DVLA check, but did not declare the convictions disclosed by the CRB check.

In response to questions from Members of the Committee, the South Licensing Officer explained that the applicant had attended an open session organised by Shropshire Council to which all drivers had been invited to apply for a Hackney Carriage / Private Hire Vehicle Driver's Licence. Officers from Shropshire Council were in attendance and filled in the form on behalf of applicants. All applicants were requested to read through the application form before signing.

The applicant was in attendance and confirmed he did not require a representative to be in attendance during consideration of his case, and was agreeable to Members and Officers knowing his name. The applicant presented his case to the Committee, providing background information on the circumstances surrounding the offences.

In response to questions from the South Licensing Officer, the applicant confirmed that his licence had been suspended once following disqualification.

In response to questions from Members of the Committee and the Solicitor, the applicant confirmed he was currently employed as a taxi driver, and gave the name of his current employer, and provided further clarification on the offences.

The Licensing Team Leader summed up the application. The Chairman invited the applicant to make any final comments prior to the Committee making its decision.

Members of the Committee retired to consider the application, in private, at 12.39 pm and reconvened at 12.45 pm to announce their decision.

RESOLVED:

That the application for a Hackney Carriage/Private Hire Driver's Licence be refused.

Reasons: In making their decision, members of the Committee took into account the guidelines relating to the relevance of convictions, and had regard to the offences detailed in the Officer's report, and noted:

- a pattern of offences;
- three years had not elapsed from the date the driving licence had been reinstated; and
- there were no special circumstances which warranted making an exception to the policy.

Accordingly, Members of the Committee were not satisfied that the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

The applicant was informed of his right of appeal to a Magistrates' Court within 21 days from the date of notification of the decision.

101. APPLICATION FOR A HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Prior to the consideration of the report, the Committee noted that the applicant (Case No. 7) was not in attendance. Members of the Committee noted the application had previously been listed to be heard on 4th March 2011, but the applicant did not attend. The South Licensing Officer confirmed that the applicant had been informed of the dates of the Hearings, and that the application might be considered in his/her absence should he/she fail to attend a second time.

Consideration was given to an exempt report of the South Licensing Officer in respect of an application for a Hackney Carriage / Private Hire Driver's Licence.

The South Licensing Officer presented the report, in respect of Case No. 7, to the Committee, providing information on the offences disclosed by the CRB check, and outlined the guidelines relating to the relevance of the convictions. Members noted that the applicant did not declare the conviction on his application form.

RESOLVED:

That the application for a Hackney Carriage/Private Hire Driver's Licence be refused.

Reasons: In making their decision, members of the Committee took into account the guidelines relating to the relevance of convictions, and had regard to the offences detailed in the Officer's report, and noted there were no special circumstances which warranted making an exception to the policy, and, accordingly, Members of the Committee were not satisfied that the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.