

Minutes

Licensing Sub-Committee Wednesday, 12th April, 2017

Attendance

Cllr Bridge
Cllr Mrs Murphy

Cllr Mynott

Officers Present

Caroline Harrison	-	Licensing Officer
Jean Sharp	-	Governance and Member Support Officer
Sonia Sharp	-	Planning Solicitor
Maria Williams	-	Licensing Officer

344. Appointment of Chair

The Sub-committee resolved that Cllr Mrs Murphy should chair the meeting.

345. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

346. Declaration of Interest

There were no declarations of interest.

347. Determination of an application for Hackney Carriage & Private Hire Driver's Licence (Exempt)

The Sub-committee considered this matter in private session by virtue of Part 1 of Schedule 12 Local Government Act 1972 because it contained information relating to an individual.

An application had been received for a combined Hackney Carriage and Private Hire Drivers Licence from an individual who had held such a licence

from Brentwood Borough Council previously between 2005 and 2011 and who had reapplied for their licence in September 2016. They had passed their knowledge test and completed a medical, DBS and DVLA check as part of the new application. Their DBS check indicated a caution for Assault Occasioning Actual Bodily Harm which occurred on 14th January 2015. The policy of the Council's Combined Hackney Carriage and Private Hire Vehicle Drivers Licence Pre-Licensing Conditions stated that a person should not have been cautioned for or convicted of a criminal offence involving the threat and/or use of violence.

The applicant had been unable to attend the Sub-committee meeting on 21 February 2017 and Members had therefore decided to adjourn this matter to a hearing on a future date and had requested that the applicant attend so that evidence may be heard from them. The decision was made due to the serious nature of the information before the Sub-committee concerning the applicant's background.

The hearing had been reconvened accordingly, the date having been decided after liaising with the applicant. Unfortunately they had again been unable to attend, therefore the hearing was undertaken in their absence.

Members of the Sub-committee considered the officer's report and the written submission previously provided by the applicant in making their decision which was as follows:

In licensing taxi drivers, we view the need to safeguard the public as being of paramount importance. In respect of the applicant's application, we are satisfied that they have had good notice of this hearing and of the previous hearing in February but they have not attended either hearing which would have been helpful to us in coming to a decision. We have had regard to the Council's policies and our decision is to refuse this application for a Driver's licence as we are not satisfied that the applicant is a "fit and proper person" to hold a combined Hackney Carriage and Private Hire Driver's Licence.

Right of Appeal: The applicant should be informed of his right of appeal against this decision, to the Magistrates' Court.

Members were pleased to note that the application form and the Council's Licensing Policies and Conditions were soon to be reviewed.
