

Medway Council
**Meeting of Licensing Sub-Committee of Licensing and
Safety Committee**

Friday, 1 February 2013

2.30pm to 3.10pm

Record of the meeting

Subject to approval as an accurate record at the next meeting of this committee

Present: Councillors Carr, Mrs Diane Chambers (Chairman), Colman, Harriott, Hicks and Kemp

Substitutes: Councillor Baker substitute for Councillor Etheridge

In Attendance: Alan Conroy, Legal Advisor
Mandy Francis, Senior Licensing and Enforcement Officer
Mr H, applicant
Mr P, applicant's representative
Caroline Salisbury, Democratic Services Officer

Observing: Wayne Hemingway, Democratic Services Officer
Lisa Hopson, Licensing Officer
Michelle Steward, Licensing Officer

804 Election of Chairman and Vice-Chairman

Decision:

It was agreed that Councillor Mrs Diane Chambers was elected Chairman and Councillor Hicks appointed as Vice Chairman for the 2012/2013 municipal year.

805 Record of meeting

The record of the meeting held on 13 January 2012 was agreed and signed by the Chairman as a correct record.

806 Apologies for absence

An apology for absence was received from Councillor Etheridge.

807 Urgent matters by reason of special circumstances

There were none.

The Chairman asked the appellant if three officers (two from the licensing department and one from democratic services) could observe the hearing and

remain in the meeting for the duration of the hearing. The applicant confirmed that he had no objection to this.

808 Declarations of disclosable pecuniary interests

There were none.

809 Exclusion of the press and public

Decision:

That the press and public are excluded from the meeting during consideration of agenda item 7 because consideration of this matter in public would disclose information falling within paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 6 and the Sub-Committee considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

810 Appeal against refusal to grant a private hire driver's licence

Discussion:

The Senior Licensing and Enforcement Officer asked the Sub-Committee to consider the appeal against the council's decision to refuse an application for a Private Hire Drivers Licence.

The Sub-Committee was advised that the original application was incomplete when it was submitted in August and then again when it was re-submitted in September 2012. Following a one-to-one meeting with the applicant to explain the requirements, the application was again re-submitted in October 2012 with the required information completed and counter-signed by the applicant and a solicitor.

Once the application had been validated, officers sought a Criminal Records Bureau (CRB) check, which was obtained with the consent of the applicant, which showed a criminal conviction that had not been declared.

The Senior Licensing and Enforcement Officer advised that the application had been refused due to the two false declarations on the application form and not because of the conviction.

The Sub-Committee considered the case taking into account all the written representations and those made at the hearing by Mr H, his representative and the Senior Licensing and Enforcement Officer.

Decision:

Mr H was advised that Medway Council expected high standards from its licensed drivers, particularly when it involved transporting children from their homes to school and therefore the Senior Licensing and Enforcement Officer

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had been right to be cautious in dealing with this application and she was commended for this. However, the Sub-Committee did accept that there had been no deliberate intention to deceive the council when the application was made and there was a catalogue of mistakes during that process.

In the light of all the information received and heard at the appeal hearing, the Sub-Committee agreed to grant Mr H a Private Hire Driver's Licence (specifically for home to school transport) for a three year period.

Chairman

Date:

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