

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

Friday, 11 September 2015

2.30pm to 4.45pm

Record of the meeting

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

Present: Councillors: Mrs Diane Chambers (Chairman), Carr (Vice-Chairman), Bhutia, Godwin, Fearn, McDonald and Kemp

In Attendance: James Bilsland, Assistant Head of Legal - Place
James Davis, Hollingsworth Edwards Solicitors
Mandy Francis, Senior Licensing and Enforcement Officer
Rosie Gunstone, Democratic Services Officer
Mr U, applicant
Mr H, applicant and his partner

303 Record of meeting

The record of the meeting held on 7 August 2015 was agreed and signed by the Chairman as a correct record.

304 Apologies for absence

There were none.

305 Urgent matters by reason of special circumstances

There were none.

306 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

There were none.

307 Exclusion of the press and public

Decision:

Licensing Sub-Committee of Licensing and Safety Committee, 11 September 2015

That the press and public be excluded from the meeting during consideration of agenda item 6 because consideration of this matter in public would disclose information falling within paragraphs 1,2 and 5 of Part 1 of Schedule 12 A to the Local Government Act 1972 as specified in agenda item 5 and the Sub-Committee considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

308 Review of Hackney Carriage Driver's Licence

Discussion:

The Senior Licensing and Enforcement Officer asked the Sub-Committee to consider Mr U's appeal against the decision to refuse to renew his private hire driver's licence.

The Sub-Committee was advised that the Licensing Unit had received an application from Mr U to renew his hackney carriage driver's licence on 10 April 2015. The renewal process involves the Council obtaining disclosures from the Disclosure and Barring Service (DBS) and the Driver and Vehicle Licensing Authority (DVLA). The Licensing Unit received the DBS disclosure from Mr U on 29 July 2015 which showed an undeclared caution issued on 1 June 2013.

The Senior Licensing and Enforcement Officer presented her report to the Sub-Committee, highlighting the very high standards that the Council expected from its licensed drivers. She referred Members to the full details of Mr U's offence set out in her report. Mr U's solicitor James Davis of Hollingsworth Edwards solicitors, addressed the Sub Committee to make representations in mitigation and he and Mr U responded to questions from the Senior Licensing and Enforcement Officer and the Sub-Committee. Mr Davis supplied the Sub-Committee with additional supporting documentation requesting no immediate sanction being imposed whilst a challenge to the validity of the caution administered was pending.

Both parties to the hearing left the room and the Sub-Committee considered the matter taking into account all written representations and those made at the hearing by the Senior Licensing and Enforcement Officer and by Mr U and his solicitor.

Decision:

Mr U was advised that, having heard from the Senior Licensing and Enforcement Officer the background to the case and Mr U's failure to report a caution received in 2013 and having heard from Mr Davis the mitigation put forward on his behalf, the Sub-Committee gave strong consideration to the fact that although a caution had been given, Mr U had previously had an unblemished record for 10 years they decided that despite the caution they were not satisfied that Mr U was not a 'Fit and Proper' person to hold a taxi licence and consequently agreed that the licence should be granted, with a written warning to be retained on Mr U's record.

309 Appeal against refusal to renew Private Hire Driver's Licence

Discussion:

The Senior Licensing and Enforcement Officer asked the Sub-Committee to consider Mr H's appeal against the decision to refuse to renew his Private Hire Driver's Licence.

The Sub-Committee was advised that the Licensing Unit had received an application from Mr H to renew his Private Hire Driver's Licence and declared two convictions for traffic offences for which he was convicted in February 2011 and May 2014. The Senior Licensing and Enforcement Officer explained that the renewal process involves the Council obtaining disclosures from the Disclosure and Barring Service (DBS) and the Driver and Vehicle Licensing Agency (DVLA). These disclosures were obtained with the consent of the driver and show their driving history and any criminal convictions/cautions/warnings they had received. The DBS Disclosure from Mr H on 1 June 2015 showed two undeclared convictions.

The Senior Licensing and Enforcement Officer presented her report to the Sub-Committee, highlighting the very high standards that the Council expected from its licensed drivers. She referred Members to the full details of Mr H's offences which were set out in her report. Mr H and his partner addressed the Sub-Committee to make representations in mitigation and responded to questions from the Senior Licensing and Enforcement Officer and the Sub-Committee. A copy of letters of support were handed to all present.

Both parties to the hearing left the room and the Sub-Committee considered the matter taking into account all written representations and those made at the hearing by the Senior Licensing and Enforcement Officer and by Mr H and his partner.

Decision:

Mr H was advised that the Sub-Committee had taken into account the undisclosed convictions and the mitigating factors put forward at the hearing but had to take its responsibility to the public seriously and in view of this, and Mr H's ongoing medical condition, they were not satisfied that Mr H was a 'Fit and Proper' person and so they were not able to renew his Private Hire Driver's Licence.

**Licensing Sub-Committee of Licensing and Safety Committee, 11 September
2015**

Chairman

Date:

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