

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

Friday, 9 December 2016

2.30pm to 3.00pm

Record of the meeting

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

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

In Attendance: Mr S, Appellant
Mr E, Mr S's referee
Mandy Francis, Principal Licensing and Enforcement Officer,
Vicky Nutley, Lawyer
Steve Platt, Democratic Services Officer

528 Election of Chairman and Vice-Chairman

It was agreed that Councillor Mrs Chambers be elected Chairman and Councillor Carr be appointed as Vice Chairman of the Sub-Committee for the 2016/2017 municipal year.

529 Apologies for absence

Apologies were received from Councillors Fearn and Kemp.

530 Record of meeting

The record of the meeting held on 22 January 2016 were agreed and signed by the Chairman as a correct record.

531 Urgent matters by reason of special circumstances

There were none.

532 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

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Other interests

There were none.

533 Exclusion of the press and public

The press and public were 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 5 of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 6 (Exclusion of Press and Public) and, in all the circumstances of the case, the Sub-Committee considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

534 Appeal against the refusal of an application for a Private Hire Driver licence

Discussion:

The Principal Licensing and Enforcement Officer asked the Sub-Committee to consider the information and evidence presented in her report and determine Mr S's appeal against the decision to refuse his application for a private hire driver licence.

The Sub-Committee was advised that, prior to submitting his application, Mr S had met with the Principal Licensing and Enforcement Officer where he had fully disclosed his history of convictions and had showed remorse and regret. The application process involved the Council obtaining disclosures from the Disclosure and Barring Service (DBS) which detailed convictions to 2009.

In presenting her report, the Principal Licensing and Enforcement Officer highlighted the very high standard that Medway Council expected from its licenced drivers. Mr S explained how he had changed his lifestyle since his last conviction and he and the Principal Licensing and Enforcement Officer responded to questions from the Sub-Committee.

In summing up, the Principal Licensing and Enforcement Officer reminded the Sub-Committee that Section 59(1) of the Local Government (Miscellaneous Provisions) Act 1976 required that the Sub-Committee consider whether Mr S was a "fit and proper" person to hold a private hire driver licence. Summing up on behalf of Mr S, Mr E gave a character reference for Mr S.

Both parties left the room and the Sub-Committee considered the matter in private.

Decision:

After careful consideration of the written evidence and the representations made at the meeting by the Principal Licensing and Enforcement Officer and Mr S and Mr E, the Sub-Committee determined that Mr S be granted a private hire

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driver licence for a period of one year after which he would need to re-apply. Subject to any complaints to, or concerns by, the Licensing Unit during the year, it was anticipated that Mr S's licence would be renewed upon re-application when his current history of convictions would not be taken into consideration.

Chairman

Date:

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