

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Committee held on 22 March 2017

Present

Councillor Smith D (Chairman)

Councillors Mrs Blackett, Bowerman, Cresswell, Fairhurst, Hart, Howard, Hughes (Vice-Chairman), Keast, Kerrin, Ponsonby, Shimbart and Wade

57 Apologies

Apologies for absence were received from Councillors Pike and Thomas.

58 Minutes

The minutes of the meeting of the Licensing Committee held on 28 September 2016.

59 Matters Arising

There were no matters arising.

60 Declarations of Interests

There were no declarations of interests.

61 Chairman's Report

The Chairman advised the Committee of successful prosecutions against a private hire operator and an unlicensed taxi/private hire driver.

In response to concerns raised members of the Committee, the officers agreed to issue regular licensing updates.

62 Exclusion of the Press and Public

RESOLVED that the public be excluded from the meeting during consideration of the minutes headed and numbered as below because:

it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during those minutes there would be disclosure to them of exempt information of the descriptions specified in paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 shown against the heading in question; and

in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Minute 63 - Hackney Carriage/Private Hire Vehicle Driver's Licence
(Paragraphs 1 to 3)

63 Suitability of an applicant to be granted a Hackney Carriage / Private Hire Driver Licence by Havant Borough Council

(this minute was taken in camera)

The Committee was requested to consider whether the applicant was a fit and proper person to be granted a Hackney Carriage/Private Hire Driver's Licence.

The relevant legislation stated that a district council shall not grant a licence "unless they are satisfied that the Applicant is a fit and proper person to hold a driver's licence".

There was no statutory definition of "fit and proper person" but case law suggested that the issue of whether an applicant was a fit and proper person should be approached by proper consideration of the objectives of the licensing regime. These objectives were intended to ensure that, so far as possible, those licensed to drive private hire vehicles were:

- safe drivers with good driving records and
- adequately experienced and
- sober and
- mentally and physically fit and
- honest and
- not persons who would take advantage of their employment to abuse or assault passengers and
- not persons who would take advantage of their employment to engage in criminal activity.

The Committee was advised of its powers under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The Chairman outlined the Committee's procedure for dealing with the possible revocation of a Hackney Carriage/Private Hire driver's licence.

The Licensing Officer presented her confidential report to the Committee.

The applicant and his representative were given an opportunity to address the Committee in support of his case and answered members' questions.

The Committee noted that references had not be taken up for this application.

The applicant, his representative and the licensing officers left the meeting during consideration of the application and were invited back into the meeting to receive the Committee's decision.

RESOLVED that authority be delegated to the Officers, in consultation with the Chairman of the Committee, to determine this application subject to the receipt of satisfactory references including one from South Downs College or a church.

Licensing Committee (22.3.17)

The meeting commenced at 5.00 pm and concluded at 6.23 pm