

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Sub Committee held on 22 January 2024

Present

Patrick (Chairman), Harris and Gray

18 Apologies for Absence

There were no apologies for absence for this meeting.

19 Declarations of Interests

There were no declarations of interests relating to matters on the agenda.

20 Exclusion of the Press and Public

The Committee were requested to resolve that the hearing be excluded from the Press and Public.

PROPOSED by Councillor Gray and **SECONDED** by Councillor Harris it was

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 21 Private Hire Vehicle Driver's Licence
(Paragraphs 1 to 2)

21 Licensing Hearing - Application for the Grant of a Combined Hackney Carriage and Private Hire Driver's Licence

The Chairman welcomed all parties to the meeting and explained the procedure for the hearing.

The Licensing Officer explained that an application for a Combined Hackney Carriage and Private Hire Driver's Licence had been made by Applicant. It was revealed that the applicant had failed to declare criminal convictions when he submitted his application.

The Licensing Officer explained that the purpose of the Sub-Committee was to determine whether Applicant A was a “fit and proper person” to hold Combined Hackney Carriage and Private Hire Driver’s Licence as required by Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

The applicant explained the mitigating circumstances relating to his convictions and stated that, at the time of submitting the application form and the interview, he had forgotten the offences. He further advised that he was unaware that his licence had been suspended in 2013 and was under the impression that he had decided not to renew his licence for financial reasons. He had recently been offered employment with a private hire operator which involved airport trips, which when combined with his current employment would be more financially viable than before.

(The Licensing Officers and Applicant A left the meeting)

Members were reminded that the Council’s policy and guidelines on convictions relating to dishonesty stated that at least seven years from such a conviction or caution should be shown before an application is entertained: this period had lapsed

In making its decision the Sub-Committee took into consideration the representations made by the officers and Applicant A and had regard to:

- Local Government (Miscellaneous Provisions Act) 1976
- Town Police Clauses Act 1847
- Havant Borough Council’s Hackney Carriage and Private Hire Licensing Policy
- Department for Transport’s Statutory taxi and private hire vehicle standards
- IoL Guidance on determining the suitability of applicants and licensees in the private hire and hackney carriage trades.
- Human Rights Act 1998
- Crime and Disorder Act 1998
- Public Sector Equality Duty (s.149 Equality Act 2010)

was a “fit and proper” person to hold a licence but felt that such a licence should be granted for less than three years to enable the Council to monitor the performance of Applicant A. The Sub-Committee stressed that it would expect Applicant A to declare all his convictions if he sought to apply to renew his licence.

RESOLVED That a Combined Hackney Carriage and Private Hire Driver’s Licence be issued to Applicant A for a period of 1 year from the date the licence is issued with a warning that the Council would expect Applicant A to make a full declaration when seeking to renew his licence.

The meeting commenced at 10.00 am and concluded at 10.26 am