

## **HAVANT BOROUGH COUNCIL**

At a meeting of the Licensing Committee held on 14 January 2015

Present

Councillor Wilson (Chairman)

Councillors Francis, Kerrin, Pierce Jones, Ponsonby, Sceal, Shimbart, Smith K (Vice-Chairman), Tarrant and Wade

### **24 Apologies**

Apologies for absence were received from Councillors Edwards, Farrow and Gibb-Gray.

### **25 Minutes**

RESOLVED that the minutes of the Licensing Committee held on 12 November 2014 be approved as a correct record.

### **26 Matters Arising**

There were no matters arising.

### **27 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:

- (a) 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
- (b) in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Minute 30 Private Hire Vehicle Driver's Licence  
(Paragraphs 1 to 3)

### **28 Declarations of Interests**

There were no declarations of interests from any of the members present.

### **29 Chairman's Report**

The Chairman provided an update on a street trading consent in Waterlooville.

### 30 Hackney Carriage / Private Hire Driver Licence

*(this minute was taken in camera)*

The Committee was requested to consider whether the licensed driver DT continued to be a fit and proper person to hold 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 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 Committee viewed CCTV footage of, and events prior to, the incident.

Driver DT was given an opportunity to address the Committee in support of his case and answered members' questions. A character witness appeared and spoke on behalf of driver DT.

The driver 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 the Committee had considered all the evidence before it, in particular the interview under caution and the CCTV footage.

The Committee was satisfied that a violent incident had taken place which was admitted under caution, repeated to the Committee and evidenced in the CCTV footage.

*Licensing Committee (14.1.15)*

The Committee believed that violence was always unacceptable, particularly for holders of a Hackney Carriage/Private Hire Driver's Licence issued by Havant Borough Council, and in this instance it was apparent that members of the public were present to witness the altercation.

The Committee strongly considered revocation of the licence but felt that in all the circumstances a penalty point was the most appropriate action.

The Committee accordingly awarded one penalty point.

**The meeting commenced at 5.00 pm and concluded at 7.11 pm**