

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Committee held on 16 September 2015

Present

Councillor Smith D (Chairman)

Councillors Bains, Cresswell, Edwards, Francis, Gibb-Gray, Hughes, Kerrin, Pike, Ponsonby, Sceal, Shimbart and Wade

11 Apologies

Apologies for absence were received from Councillors Pierce Jones and Tarrant.

12 Minutes

RESOLVED that the minutes of the Licensing Committee held on 17 June 2015 be approved as a correct record.

13 Matters Arising

There were no matters arising.

14 Exclusion of 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 21 Private Hire Vehicle Driver's Licence
(Paragraphs 1 to 3)

All parties agreed to the Licensing Support Officer remaining in the meeting after the public had been excluded.

15 Declarations of Interests

Cllr Shimbart advised that he had spoken to the complainant in the past on matters not connected with Item 11 but this would not affect his impartiality.

Cllr Ponsonby advised that she was acquainted with one of the taxi drivers referenced in Item 11 but this would not influence her view on this matter.

16 Chairman's Report

The Chairman reminded the Committee that a licensing training session was scheduled for 7 October 2015 and advised members to send apologies if they were unable to attend.

17 Adoption of Revised Deputation Procedure

The Committee considered a report setting out revisions to its deputation procedure. The revisions were proposed in order to improve areas of the procedure where the Committee was restricted in asking questions of deputees.

RESOLVED that the revised deputation procedure be approved.

18 Charges for Combined Hackney Carriage/Private Hire Vehicle Driver Licensing

The Committee considered a report from the Licensing Officer requesting consideration of the charges for Combined Hackney Carriage/Private Hire Vehicle Driver Licences from 1 October 2015 to 31 March 2017 as a result of the Deregulation Act 2015.

The Committee requested that the second and third column headings on page 16 of the agenda be amended to read:

“Approved Prices 2015/2016” and “Proposed Prices 2016/2017”.

RESOLVED that the charges as shown in Appendix A of the report be approved.

19 Charges for Private Hire Vehicle Operator Licensing

The Committee received a report from the Licensing Officer setting out proposed charges for Private Hire Vehicle Operator licences from 1 October 2015 to 31 March 2017. Due to the Deregulation Act 2015 commencing on 1 October 2015 Private Hire Vehicle operator licences were to be issued for a five year period.

RESOLVED that

- (1) The charges be approved for consultation;
- (2) The necessary advertisement be placed; and

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- (3) In the event that no representations were received in response to the consultation, the new charges be recommended at Full Council for implementation.

20 Charges for Taxi and Private Hire Licensing

The Committee considered a report from the Licensing Officer requesting consideration of the charges for Taxi and Private Hire Licensing for the financial year 2016/2017.

RESOLVED that

- (1) The charges be approved for consultation;
- (2) The necessary advertisement be placed; and
- (3) In the event that no representations were received in response to the consultation, the new charges be recommended at Full Council and be implemented for the financial year commencing 1 April 2016.

21 Consideration of a Hackney Carriage / Private Hire Licence

(this minute was taken in camera)

The Committee was requested to consider whether the licensed driver MA 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 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.

Driver MA was given an opportunity to address the Committee in support of his case and answered members' questions.

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 one penalty point be awarded to driver MA's Hackney Carriage/Private Hire Licence having regard to the incident reported.

The meeting commenced at 5.00 pm and concluded at 6.34 pm