

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Committee held on 22 April 2015

Present

Councillor Wilson (Chairman)

Councillors Edwards, Francis, Farrow, Gibb-Gray, Kerrin, Pierce Jones, Ponsonby, Sceal, Shimbart, Tarrant and Wade

31 Apologies

Apologies for absence were received from Councillor K Smith.

32 Minutes

RESOLVED that the minutes of the Licensing Committee held on 14 January 2015 be approved as a correct record.

33 Matters Arising

There were no matters arising.

34 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 37 Private Hire Vehicle Driver's Licence
(Paragraphs 1 to 3)

All parties agreed to Councillor D Smith remaining in the meeting after the public had been excluded.

35 Declarations of Interests

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

*Licensing Committee (22.4.15)***36 Chairman's Report**

The Chairman informed the Committee that in light of the recent inquiry into child sexual exploitation in Rotherham, Havant Borough Council's licensing procedures were being inspected.

37 Consideration of a Hackney Carriage / Private Hire Licence

(this minute was taken in camera)

The Committee was requested to consider whether the licensed driver MD 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 his confidential report to the Committee.

Driver MD 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 the Committee considered that the driver no longer remained a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and therefore his Hackney Carriage/Private Hire Driver's licence be revoked.

The Committee considered the options available to it but in light of the seriousness of the convictions it resolved that revocation was the most appropriate action to protect the safety of the travelling public.

The meeting commenced at 5.00 pm and concluded at 5.53 pm