

THE BOROUGH COUNCIL OF HAVANT

At a meeting of the Licensing Committee held on 23 March 2016

Present

Councillor Smith D (Chairman)

Councillors Bains, Cresswell, Francis, Kerrin, Pike, Ponsonby, Shimbart and
Quantrill

32 APOLOGIES

Apologies for absence were received from Councillors Gibb Gray, Howard, Hughes, Pierce Jones, Sceal and Wade.

33 MINUTES

The Minutes of the meeting of the Licensing Committee held on 23 March 2016 were agreed as a correct record and signed by the Chairman.

34 MATTERS ARISING

There were no matters arising.

35 DECLARATIONS OF INTERESTS

There were no declarations of interests.

36 CHAIRMAN'S REPORT

The Chairman advised that since the last meeting of the this Committee, a meeting of the Licensing Sub Committee had been held to determine an application for an Adult Gaming Centre at The White Hart, 1 East Street, Havant. He advised the Committee that despite press coverage of this meeting, the Sub Committee had acted in a fair and proportionate manner and in making its decision had taken into account all material representations made by the applicant and the objectors: moral and ethical objections could not be applied in accordance with the Guidance to Licensing Authorities. He thanked Councillors Hughes and Shimbart, the other members of the Licensing Sub Committee, for their assistance in making the decision

37 REQUEST FOR VEHICLE ADVERTISING AND LICENCE PLATE DISPLAY EXEMPTION - DRIVING MISS DAISY

The Committee considered an application from Driving Miss Daisy for:

- (i) permission to display advertising graphics; and
- (ii) an exemption from the requirements to a display licence plate

on their private hire vehicles.

The Chairman outlined the Committee's procedure for dealing with this application.

The applicant was given an opportunity to address the Committee in support of her application and answered members' questions.

The Committee was advised that the applicant considered that car graphics, apart from branding purposes, were an important visual aid for the customers who would use the service, the majority of whom were elderly, with a proportion having dementia and/or sight issues.

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

The Committee considered that in view of the special needs required by the applicant's potential customers it was appropriate for their vehicles to be distinctly decorated with the applicant's "Daisy" logo. The Committee also considered that in view of the distinctive graphics to be displayed on the vehicle(s), there was no need to also display a licence plate. It was therefore

RESOLVED that:

- (A) permission be granted for Driving Miss Daisy to display advertising graphics on their private hire vehicles licensed by the Council and
- (B) the requirement to display a licence plate on Driving Miss Daisy's private hire vehicles licensed by this Council be waived.

38 FILM CLASSIFICATION - "FEAR ITSELF"

(the film was viewed by Councillors D Smith, Bains, Cresswell, Francis, Kerrin, Ponsonby and Shimbart before the meeting commenced)

The members of the Committee, who had viewed the film prior to the meeting, considered a report requesting a film classification rating for the film "Fear Itself" for exhibition at appropriately licensed venues within the Borough.

RESOLVED that the film "Fear Itself" to be shown within the Borough of Havant be awarded an 18 age restriction rating.

39 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 this item 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 40 Private Hire Vehicle Driver's Licence
(Paragraphs 1 to 3)

40 REVIEW OF DRIVER'S LICENCE

(this minute was taken in camera)

The Committee was requested to consider whether the licensed driver IS 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 IS was given an opportunity to address the Committee in support of his case and answered members' questions.

The licensee 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.

The Committee considered that the conduct of the licensee was such that a vulnerable person was taken advantage of and as such the licensee was not regarded as a "fit and proper" person. The Committee was of the view that the safety of the public could not be guaranteed if the licence was restored. It was therefore

RESOLVED that the licence be hereby revoked.

The meeting commenced at 6.00 pm and concluded at 7.40 pm

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Chairman