

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Committee held on 15 January 2014

Present

Councillor Johnson (Chairman)

Councillors Branson, Brown, Farrow, Gibb-Gray, Kennedy (Vice-Chairman), Mackey, Shimbart, Mrs Smallcorn, Smith K, Tarrant, Wade and Wilson

19 Apologies

There were no apologies for absence.

20 Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 13 November 2013 be approved as a correct record.

21 Matters Arising

There were no matters arising from the minutes.

22 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 26 Private Hire Vehicle Driver's Licence
(Paragraphs 1 to 3)

23 Declarations of Interests

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

24 Chairman's Report

The Chairman reported that he continued to attend the majority of Pubwatch meetings.

25 Licensing Sub-Committee

The minutes of the meeting of the Licensing Sub-Committee held on 3 October 2013 were agreed as a correct record.

26 Private Hire Vehicle Driver's Licence

(this minute was taken in camera)

The Committee was requested to consider whether the licensed driver MW continued to be a fit and proper person to hold a Combined 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.

The driver 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 with immediate effect on the grounds of public safety having regard to the matters reported at the meeting, as set out in the submitted documents, and in particular for the following reasons:

Licensing Committee (15.1.14)

- a) The driver indicated that he would be aggressive towards passengers in similar circumstances to the incident before the Committee; and
- b) His apparent lack of regard to the Council's Hackney Carriage and Private Hire Code of Conduct; and
- c) Throughout the interview and subsequent hearing his attitude has been dismissive of the process and he has shown a lack of remorse.

The meeting commenced at 5.00 pm and concluded at 6.30 pm