

Licensing Sub-Committee

Minutes of a meeting of the **Licensing Sub-Committee** held in the **Ditchling and Telscombe Rooms, Southover House, Southover Road, Lewes** on **Tuesday 19 April 2016** at **10:05am**

Present:

Councillor P Gander (Chair on election)
Councillors W Botting and S Murray

Officers Present:

Mr A Couper, Lawyer
Ms Z Downton, Committee Officer
Ms L Hearn, Trainee Solicitor
Mr M Moss, Licensing Officer (Hackney Carriage and Private Hire)

Also Present:

Hackney Carriage Driver in relation to Minute No 3
Applicant in relation to Minute No 4
Mr E Hele, Principal Environmental Health Officer – Public Health and Licensing (Minute No 3 only)
Mrs S Lindsey, Licensing Officer

Minutes		Action
1	Election of Chair of the Sub-Committee	
	<u>Resolved:</u>	
1.1	That Councillor P Gander be elected Chair of the Sub-Committee for the duration of this meeting.	
2	Exclusion of the Public and Press	
	<u>Resolved:</u>	
2.1	That, under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public and press be excluded from the hearing applications as set out in Reports No 58/16 and 59/16 as there was likely to be disclosures of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act. The public interest in maintaining the exemption outweighs the public interest in disclosing the information.	

3 Determination of Fit and Proper status of an existing Hackney Carriage Driver

The Chair of the Sub-Committee welcomed all parties to the hearing. Those attending introduced themselves and the Council's standard procedure for Hackney Carriage hearings was read out to all parties present.

The Sub-Committee considered Report No 58/16 relating to the determination of the 'Fit and Proper' status of an existing Hackney Carriage Driver.

The Licensing Officer presented the Report to the Sub-Committee. He drew the Sub-Committee's attention to the salient points of the Report, including the history of the Driver, the nature of the complaint made against the Driver and details of the Council's investigation into that complaint.

In making their decision, the Licensing Officer advised that members of the Sub-Committee should give consideration to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 which stated 'A District Council may suspend or revoke or refuse to renew the licence of a driver of a Hackney Carriage or Private Hire vehicle on the following grounds:

(a) that he has since the grant of the licence -

- i. been convicted of an offence involving dishonesty, indecency or violence; or
- ii. been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of the Act; or

(b) any other reasonable cause.

The Licensing Officer brought to the Sub-Committee's attention the options available to them, namely;

- To take no action;
- To issue a warning;
- To suspend the individual's Hackney Carriage Driver's Licence; or
- To revoke the individual's Hackney Carriage Driver's Licence.

The Driver presented their case and answered questions from members of the Sub-Committee. The Driver circulated a character reference written by their employer which was accepted by the Sub-Committee, and a copy of which is contained in the Minute Book.

A closing statement by the Driver was made, after which the Sub-Committee withdrew to determine the existing Hackney Carriage Licence. The decision was delivered as follows:

Resolved:

- 3.1 That the Licensing Officer be requested to issue a written warning to the Driver as referred to in Report No 58/16 entitled 'Determination of Fit and Proper status of an existing Hackney Carriage Driver'.

Licensing
Officer**4 Determination of Application for Driver's Licence**

The Chair of the Sub-Committee welcomed all parties to the hearing. Those attending introduced themselves and the Council's standard procedure for Hackney Carriage hearings was read out to all parties present.

The Sub-Committee considered Report No 59/16 relating to the determination of an application for a Hackney Carriage Driver's licence.

The Licensing Officer presented the Report to the Sub-Committee. He drew the Sub-Committee's attention to the salient points of the Report, including the Applicant's background, the nature of the offence and the Council's taxi licensing guidance relating to the relevance of convictions.

Lewes District Council was responsible for assessing an individual's suitability to hold a Driver's Licence under the provisions of the Police Clause Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Officer brought to the Sub-Committee's attention the options available to them, namely;

- To grant the Application, in full without a warning;
- To grant the Application, imposing a written warning; or
- To refuse the Application.

The Licensing Officer highlighted that he was not authorised to make the decision on this particular Application due to the information that had come to his attention during the application process, and it was therefore brought before the Sub-Committee for determination.

The Applicant confirmed there was nothing further to add to the information contained within the Report or that which had been presented by the Licensing Officer.

The Sub-Committee withdrew to determine the Application. The decision was delivered as follows:

Resolved:

- 4.1 That the Licensing Officer be requested to grant the Application for a Hackney Carriage Licence, as referred to in Report No 59/16 entitled 'Determination of Application for Driver's Licence', in full and

without a warning.

Licensing
Officer

NOTE:

In accordance with Section 100C, sub-section (2) of the Local Government Act 1972, Minutes 3 and 4 above are a summary of the proceedings of that part of the meeting which included exempt information. Authorised persons may inspect the exempt information on application to the Proper Officer.

The meeting ended at 12.23pm

P Gander
Chair