



Lewes District Council

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Licensing Committee

Minutes of a meeting of the **Licensing Committee** held in **Southover Grange, Southover Road, Lewes** on **Thursday, 28 November 2013** at 12.30pm

Present:

Councillor P Gander (Chair on election)

Councillors G R Amy and R Robertson

Officers Present:

Ms A Blanshard, Committee Officer

Ms J Fletcher, Solicitor

Ms M Hawes, Licensing Officer

Mr E Hele, Principal Environmental Health Officer

Ms S Lindsey, Licensing Officer

	Minutes	Action
1	Election of Chair of the Committee <u>Resolved:</u> 1.1 That Councillor P Gander be elected Chair of the Committee for 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 as there was likely to be disclosures of exempt information as defined in paragraphs 1, 2 and 7 of Part 1 of Schedule 12A of the Act.	
3	Determination of 'Fit and Proper' status of Hackney Carriage Driver The Chair of the Committee welcomed all parties to the hearing. Those attending introduced themselves and the Council's standard procedure for Hackney Carriage licensing hearings was read out to all parties present. It was noted that the Appellant had not attended the Hearing as anticipated. The Solicitor explained to the Committee that the Appellant had expressed his intention to attend and that his intention had been to request an adjournment to the Hearing. The Solicitor explained the Committee's	

options and it decided to proceed with the Hearing in the Appellant's absence.

The Committee considered Report No 195/13 relating to determining whether the Appellant was a 'Fit and Proper' person to hold a Hackney Carriage Driver Licence. The Appellant had not attended the meeting to present his case.

The Licensing Officer presented the Report to the Committee. She drew the Committee's attention to the salient points of the Report including the Appellant's history and outlined the many written warnings that the Licensing department had sent to him. She explained that there had been several occasions and reasons for the warnings that had been issued including inappropriate behaviour, vehicle condition, inappropriate dress, and refusal of fares, contrary to Section 53 Town Police Clauses Act 1847. She closed her presentation by highlighting the duty of the Council to fulfil its licensing responsibilities to ensure that a Hackney Carriage Driver Licence was not issued to someone whom it was not satisfied was a fit and proper person to hold a Driver Licence. The Licensing Officer explained to the Committee that there was no legislative test of fitness and propriety, but that a number of tests had been developed. She read out the test that the Committee needed to apply when determining the outcome of the Hearing.

At the end of the Hearing the Committee considered the case in private. The Chair read out the Committee's decision to those present. The Appellant would be informed of the Committee's decision by letter.

Resolved:

- 3.1** That the Hackney Carriage Drivers Licence referred to in Report No 195/13 be revoked with immediate effect.

The meeting ended at 12.47pm

P Gander
Chair