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Chairman and Members of the
Licensing Committee.

Your contact: Peter Mannings
Extn: 2174
Date: 11 March 2016

cc. All other recipients of the
Licensing Committee agenda.

Dear Councillor,

LICENSING COMMITTEE – 17 MARCH 2016

Please find attached the following set of minutes which were marked “to follow” on the agenda for the above meeting:

5. Licensing Sub-Committee (Pages 3 – 10).

To receive the Minutes of the meeting of the Licensing Sub-Committee held on:

2 March 2016.

Please bring these papers with you to the meeting on Thursday.

Yours faithfully,

Peter Mannings
Democratic Services Officer
East Herts Council
peter.mannings@eastherts.gov.uk

MEETING : LICENSING COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : THURSDAY 17 MARCH 2016
TIME : 7.00 PM

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MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 2 MARCH
2016, AT 10.00 AM

PRESENT: Councillor Rose Cheswright (Chairman)
Councillors G Cutting and R Standley.

ALSO PRESENT:

Councillors J Jones, G McAndrew and
P Ruffles.

OFFICERS IN ATTENDANCE:

Robin Clark	- Licensing Enforcement and Community Safety Manager
Peter Mannings	- Democratic Services Officer
George Robertson	- Legal Services Manager

19 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor G Cutting and seconded by Councillor R Standley that Councillor Mrs R Cheswright be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor Mrs R Cheswright be appointed Chairman of the Licensing Sub-Committee for the meeting.

20 MINUTES – 21 JANUARY 2016

RESOLVED – that the Minutes of the meeting held on 21 January 2016 be confirmed as a correct record and signed by the Chairman.

21 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution pursuant to Section 100(A) (4) of the Local Government Act 1972 as amended, to exclude the press and public during consideration of the business referred to in Minutes 22 – 26 on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

22 APPLICATION FOR A TAXI DRIVERS LICENCE –
RENEWAL WITH DVLA POINTS

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors J Jones, G McAndrew and P Ruffles could remain in the room as observers.

The Licensing Enforcement and Community Safety Manager summarised why the matter had been reported to the Licensing Sub-Committee. He advised Members of the circumstances and the chronology of the offences that were detailed in the report.

The applicant explained that he had purchased and sold a vehicle that had nothing to do with his work as a taxi driver. He assured Members that he had informed the DVLA of the sale of the vehicle and had responded to correspondence he had received from the police.

The applicant advised that he was unaware of a court case that had been brought against him that had resulted in the DVLA licence points that were detailed in the report. He concluded that he had done all that was required of him and he was now pursuing this matter in the crown court.

The applicant responded to a number of questions from Members regarding the circumstances that had resulted in the offence referred to in the report. At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services

Officer to consider the evidence.

Following this, they returned and the Chairman announced that the Sub-Committee had listened carefully to the comments of the applicant and the Licensing Enforcement and Community Safety Manager and having heard the evidence, the Sub-Committee had decided to approve the application for a Taxi Drivers Licence, on the basis that he was a “fit and proper” person.

The applicant was advised that Members hoped that he had learned a useful lesson from this experience and this had been a majority decision.

RESOLVED – that for the reasons now detailed, the application for a Taxi Drivers Licence be approved.

23 APPLICATION FOR A TAXI DRIVERS LICENCE – RENEWAL WITH DVLA POINTS

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors J Jones, G McAndrew and P Ruffles could remain in the room as observers.

The Licensing Enforcement and Community Safety Manager summarised why the matter had been reported to the Licensing Sub-Committee. He also acknowledged that there had been a delay on the part of Officers in terms of why this case had not been brought before Members earlier.

The applicant admitted that he had not been aware at the time of the offences that he had been caught speeding. He detailed the circumstances that had resulted in the 3 road traffic act offences that had caused him to receive 9 fixed penalty points on his DVLA licence.

The applicant advised that he had voluntarily undertaken a DSA test at the first available opportunity and he had passed this with no faults. He assured the Sub-

Committee that he considered himself to be a good and safe driver and as he was paid a salary for this taxi work, he was never under any pressure to get to a customer quickly.

A representative from the applicant's employer assured Members that the applicant had worked for Associated Taxis for 10 years and he had consistently received positive feedback from his customers. The applicant was of good character and was a good person.

The applicant responded to a number of questions from Members. He commented that he had experienced difficulties with complying with variable speed limits during roadworks on the M11. At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Officer to consider the evidence.

Following this, they returned and the Chairman announced that the Sub-Committee had listened to the comments of the applicant and the Licensing Enforcement and Community Safety Manager and had decided to refuse the application for a Taxi Drivers Licence. Members were most concerned regarding the repeated breaches of the speed limits.

RESOLVED – that for the reasons now detailed, the application for a Taxi Drivers Licence be refused.

24 APPLICATION FOR A TAXI DRIVERS LICENCE – RENEWAL WITH DVLA POINTS

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors J Jones and P Ruffles could remain in the room as observers.

The Licensing Enforcement and Community Safety Manager summarised why the matter had been reported to the Licensing Sub-Committee. The applicant and his

solicitor gave a detailed account of the circumstances that had resulted in the 6 points on the applicant's DVLA licence. The applicant's solicitor explained that the applicant had worked as a taxi driver for 7 years and the applicant was very highly thought of by his employer and his customers.

The applicant explained that he did not initially report the incident as he was not aware that there had been any injuries. The applicant's solicitor confirmed that there had been no medical evidence of injury provided to the applicant. The applicant emphasised that his main concern had been the safety and welfare of his female passenger and he had driven away from the scene in order to get her home as soon as possible.

The applicant's solicitor explained that the applicant had given a full and frank admission of the incident to the police. The applicant had not stayed longer at the scene due to the level of aggression he was experiencing and he was concerned for his female passenger.

The applicant and his solicitor responded to a number of questions from Members. At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Officer to consider the evidence.

Following this, they returned and the Chairman announced that the Sub-Committee had listened to the comments of the applicant, his solicitor and the Licensing Enforcement and Community Safety Manager and had decided to approve the application for a Taxi Drivers Licence, on the basis that he was a "fit and proper" person. Members hoped that the applicant had learned a useful lesson that he must always report any incidents within the required time.

RESOLVED – that for the reasons now detailed, the application for a Taxi Drivers Licence be approved.

25 APPLICATION FOR A TAXI DRIVERS LICENCE –
RENEWAL WITH NEW CRIMINAL CONVICTION

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors J Jones and P Ruffles could remain in the room as observers.

The Licensing Enforcement and Community Safety Manager summarised why the matter had been reported to the Licensing Sub-Committee. The applicant gave a more detailed account of the circumstances that had resulted in the conviction detailed in the report. In response to a number of questions from Members, the applicant explained why he had continued with the course of action that had led to his conviction in December 2015.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Officer to consider the evidence.

Following this, they returned and the Chairman announced that the Sub-Committee had listened to the comments of the applicant and the Licensing Enforcement and Community Safety Manager and had decided to approve the application for a Taxi Drivers Licence, on the basis that he was a “fit and proper” person. The applicant was advised that Members were pleased that he had moved on with his life and Members wished him well.

RESOLVED – that for the reasons now detailed, the application for a Taxi Drivers Licence be approved.

26 APPLICATION FOR A TAXI DRIVERS LICENCE –
RENEWAL WITH DVLA POINTS

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors J Jones and P Ruffles could remain in the

room as observers.

The Licensing Enforcement and Community Safety Manager detailed the reasons why this matter had been brought before the Sub-Committee. He stated that when considering the renewal of the Taxi Drivers Licence, Members should consider whether the applicant had demonstrated that he was a 'fit and proper' person to hold the licence.

The Applicant explained that he had been a taxi driver for 43 years of which 17 had been as a licensed driver within East Herts. He explained the circumstances that had resulted in the 2 road traffic offences and the 6 points on his DVLA licence.

The applicant responded to a number of questions from Members. At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Officer to consider the evidence.

Following this, they returned and the Chairman announced that the Sub-Committee had listened to the comments of the applicant and the Licensing Enforcement and Community Safety Manager and had decided to approve the application for a Taxi Drivers Licence, on the basis that he was a "fit and proper" person.

RESOLVED – that for the reasons now detailed, the application for a Taxi Drivers Licence be approved.

The meeting closed at 12.52 pm

Chairman
Date

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