

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 22
FEBRUARY 2012, AT 10.00 AM

PRESENT: Councillor Alan Warman (Chairman).
Councillors A Burlton and N Poulton.

ALSO PRESENT:

Councillors M McMullen.

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Paul Newman	- Interim Licensing Manager
George Robertson	- Legal Services Manager

34 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor A Burlton and seconded by Councillor N Poulton that Councillor A Warman be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor A Warman be appointed Chairman of the Licensing Sub-Committee for the meeting.

35 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that the application for the Taxi Driver's Licence would be determined first (Minute 38 refers).

36 MINUTES - 19 DECEMBER 2011

RESOLVED – that the Minutes of the meeting held on 19 December 2011 be confirmed as a correct record and signed by the Chairman.

37 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 38 – 39 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.

38 CONSIDERATION OF A STAGE OF APPLICATION TO BE A TAXI DRIVER – APPLICANT WITH SPENT CONVICTIONS

The Chairman outlined the procedure to be followed. All those present for the application were introduced. The applicant agreed that Councillor M McMullen could remain in the room as an observer.

The Interim Licensing Manager stated that the applicant had applied on 15 November 2011 to be licensed as a taxi driver in East Herts. The Sub-Committee was advised that the application form had referred to matters material to the suitability and fitness of the applicant to hold a taxi driver's licence.

Members were reminded that it was for the Sub-Committee to judge whether the applicant was a fit and proper person to hold the licence. The Interim Licensing Manager detailed the nature of the Applicant's offences and subsequent cautions and convictions. A copy of the Applicant's Criminal Records Bureau (CRB) disclosure was circulated to the Sub-Committee.

The Sub-Committee was reminded to consider the facts

surrounding this application in relation to the taxi licensing policy, in particular, the overriding issue of ensuring the safety of the travelling public.

Members were referred to paragraph 2.9 of the report now submitted, in respect of a number of facts that Members should have particular regard to when making their decision.

The applicant was in attendance and addressed the Sub-Committee in support of his application. He stressed that his past was in the past and he was now a changed person and needed to provide for his family.

The applicant's colleague from a taxi firm in St Albans was also present and stated that the applicant had worked as a taxi controller in St Albans for 7 years. The applicant had never behaved improperly throughout this period of employment. A copy of the applicant's reference from this company was circulated to the Sub-Committee.

Councillor A Burlton queried why the applicant had applied to work as a taxi driver in East Herts. The applicant stated that he had been refused permission to work as a taxi driver in St Albans 4 years ago and had since heard there was good work to be had as a taxi driver in East Herts. Councillor N Poulton sought and was given clarification as to the circumstances surrounding the applicant's application for a taxi licence in St Albans being refused.

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 the decision of the Sub-Committee, which was that Members had listened to the comments of the Applicant and the Interim Licensing Manager and had

decided to refuse the application. The Sub-Committee was not satisfied that the applicant was a fit and proper person to hold a Taxi Drivers License.

The Applicant was advised however that should he re-apply in a year's time, the Sub-Committee would reconsider his application.

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

39 LICENSING ACT 2003 S120 - CONSIDERATION OF AN OBJECTION NOTICE TO AN APPLICATION FOR A PERSONAL ALCOHOL LICENCE

The Chairman outlined the procedure to be followed. All those present for the application were introduced. The applicant agreed that Councillor M McMullen could remain in the room as an observer.

The Interim Licensing Manager stated that the applicant had applied on 6 January 2012 for a personal alcohol licence. The Sub-Committee was advised that the applicant had passed the appropriate exam in respect of the law relating to the sale of alcohol in the UK.

The Interim Licensing Manager summarised the situations whereby the applicant could supply alcohol should the Sub-Committee not uphold the police objection. Members were reminded of the significant position of responsibility that would be held by the applicant should the Sub-Committee support his application.

The Interim Licensing Manager detailed the nature of the applicant's offences. The applicant was only obliged to provide a copy of a basic Criminal Records Bureau (CRB) disclosure, which was circulated to the Sub-Committee. Members were advised that this basic disclosure was different to the usual CRB disclosure in that it only revealed unspent convictions.

The Sub-Committee was advised that the police had served an objection to the application, which had necessitated the case being brought to Members for a decision. The Sub-Committee was required to decide whether to dismiss or uphold the police objection, bearing in mind the significant responsibility and position of trust the applicant would hold should he be granted a personal alcohol licence.

A representative from Hertfordshire Constabulary was present and addressed the Sub-Committee in objection to the application. He commented that Members should carefully consider whether the applicant was a fit and proper person to hold the licence and how the application supported the crime prevention objectives of Licensing legislation. Members were advised of the very serious nature of the applicant's convictions.

In response to a query from Councillor N Poulton, the police representative stated that his concerns would remain even when the applicant's suspended sentence period expired in August 2012, due to the offences being at the top end of the scale in terms of criminality.

The applicant was in attendance and advised that he had been in a bad place around the time of his convictions and had since attended rehabilitation. He stated that he now lived back with his parents and hoped to move on to a better chapter in his life and prove himself.

In response to a number of queries from Councillor Poulton, the applicant confirmed that he had not had much luck securing jobs and he hoped that a personal alcohol licence would enhance his prospects of employment.

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 the decision of the Sub-Committee, which was that Members had listened to the comments of the applicant, Officers and the Police and had decided to uphold the police objection notice in light of the very serious previous convictions.

RESOLVED – that the Police Objection Notice be upheld for the reasons now detailed.

The meeting closed at 12:30 pm

Chairman
Date