

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 23 AUGUST
2011, AT 2.00 PM

PRESENT: Councillor Phyllis Ballam (Chairman)
Councillors N Wilson and B Wrangles

ALSO PRESENT:

Councillors E Bedford, E Buckmaster and
M McMullen

OFFICERS IN ATTENDANCE:

Linda Bevan	- Committee Secretary
Paul Newman	- Interim Licensing Manager
George Robertson	- Legal Services Manager

CONSIDERATION OF WHETHER TO SUSPEND OR
REVOKE HACKNEY CARRIAGE AND DUAL DRIVER
LICENCE DD 181 – MR O

Mr O	- Taxi driver
------	---------------

CONSIDERATION OF APPLICANT TO CONTINUE WITH
AN APPLICATION FOR A PROPRIETOR'S LICENCE

Mr C	- Taxi driver
Mrs C	- Taxi driver's wife
Mr Rix	- Barrister

4 APPOINTMENT OF CHAIRMAN

Councillor B Wrangles proposed and Councillor N Wilson seconded that Councillor P Ballam be appointed Chairman of

the Licensing Sub-Committee for the meeting.

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

5 MINUTES

RESOLVED – that the Minutes of the Licensing Sub-Committee held on 24 June 2011 be confirmed as a correct record and signed by the Chairman.

6 CONSIDERATION OF A STAGE OF AN APPLICATION FOR A TAXI DRIVER'S LICENCE - MR W

The Chairman introduced everyone present. On being asked the applicant agreed Members in training, the Chairman of the Licensing Committee and another applicant could stay in the meeting. The procedure to be followed was outlined

The Interim Licensing Manager explained that the applicant had points on his driving licence as he had driven without insurance.

The applicant explained that this was a serious oversight on his part. He had been using a firm which used e-mail only for all correspondence. He had been without access to e-mail for a period and because of this had failed to renew his insurance. He realised this was a very serious offence and was very sorry it had happened. He wanted to work as a taxi driver because he had been made redundant from the City of London. He wanted to start a new line of work to support his family. He had been offered work with a reputable company but eventually would like to run his own company. He was honest, hardworking and liked dealing with people.

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

Following this, they returned and the Chairman announced the decision of the Sub-Committee which was that the application should be allowed to proceed subject to the comments now detailed.

RESOLVED - that the application be allowed to proceed to the subsequent stages but the applicant be informed that he must make sure he keeps his insurance up-to-date at all times and it is his responsibility to ensure it is in place.

7 CONSIDERATION OF WHETHER TO SUSPEND OR REVOKE HACKNEY CARRIAGE AND DUAL DRIVER LICENCE DD181 - MR O

The Chairman stated that everyone present had been introduced and referred to the procedure which would be followed.

On being asked the applicant agreed that the Members in training and the Chairman of the Licensing Committee could stay in the meeting.

The Interim Licensing Manager explained the taxi driver had XXXXXXXXXXXXXXXX (redacted). The Sub-Committee was asked to consider whether he was a suitable person to be a taxi driver in the light of this.

The taxi driver said XXXXXXXXXXXXXXXX (redacted).

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

Following this, they returned and the Chairman announced

the decision of the Sub-Committee which was that the taxi driver's licence should not be suspended or revoked subject to the comments detailed below.

RESOLVED - that the licence be not suspended or revoked but the taxi driver be reminded that if he XXXXXXXX (redacted) he will automatically lose his licence and therefore his job as a taxi driver.

8 CONSIDERATION OF AN APPLICANT TO CONTINUE WITH AN APPLICATION FOR A PROPRIETOR'S LICENCE - MR C

The Chairman introduced everyone present and referred to the procedure which would be followed. On being asked, Mr Rix, barrister for the taxi driver, agreed on behalf of his client that the Members in training and the Chairman of the Licensing Committee could stay in the meeting.

Mr Rix said he had not received any evidence from the Council concerning his client. He said the tape of the interview had not been received by his solicitors in time for his representative to consider it and the taxi driver had not received a copy. The Interim Licensing Manager said the interview concerned an issue separate from that under consideration at the meeting. The Interim Licensing Manager informed the meeting that solicitors for the applicant had received the tape on the morning of the previous day, and had by now had a day and a half to consider it.

Mr Rix was given a copy of the report submitted to the Sub-Committee. The taxi driver confirmed that he had received a copy of the report.

The Interim Licensing Manager explained that the taxi driver had failed to inform Officers, when applying for a taxi driver's licence, that XXXXXXXXXXXX (redacted). He had been given an East Herts taxi driver's licence but this had been

suspended by the Director Neighbourhood Services, and no vehicle proprietor's licence had been issued when the omission came to light.

The Sub-Committee was asked to consider whether the taxi driver was suitable to continue as a taxi driver and to hold a vehicle proprietor's licence. In addition, the Sub-Committee was asked to decide whether his fee for a vehicle proprietor's licence should be returned if they considered he should not hold this licence.

Under examination by Mr Rix, the taxi driver explained the circumstances XXXXXXXXXXXX (redacted).

When the driver completed the application for a licence with East Herts Council he XXXXXXXXXXXXXXXXXXXX (redacted).

Mr Rix said the driver had not been dishonest and on compassionate ground he should be allowed to continue with his work as a taxi driver.

Mr Rix continued with details of the financial hardship suffered by the driver and his family because he could not continue driving his taxi.

Mr Rix said the driver did realise how important it was to give the Licensing Authority all the information they required. He knew he had been wrong and apologised. It would not happen again. Welwyn and Hatfield Borough Council had sent him a form to reapply but he preferred to work in East Herts where he could use a dual driver's licence.

Mr Rix referred to various cases relevant to the issue under discussion.

The taxi driver said he had a clean licence and no criminal record.

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

Following this, they returned and the Chairman announced the decision of the Sub-Committee which was that the dual driver's licence should be reinstated and the driver was considered to be a proper person to hold a vehicle proprietor's licence subject to the comments below.

RESOLVED - that (A) the applicant's dual driver licence be reinstated as the Sub-Committee accepts his reasons for not appealing against the decision at Welwyn Hatfield Borough Council and his difficulty in completing the application form but reminds him he must comply with the administrative requirements of the Licensing Authority; and
(B) the Sub-Committee considers the applicant is a fit and proper person to hold a proprietor's licence.

The meeting closed at 3.25 pm

Chairman
Date