

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 19 NOVEMBER
2013, AT 2.00 PM

PRESENT: Councillor Roger Beeching (Chairman).
Councillors W Ashley and Mrs D Hone.

ALSO PRESENT:

Councillors P Ballam and M McMullen.

OFFICERS IN ATTENDANCE:

Claire Mabbutt	- Licensing Officer
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer
George Robertson	- Legal Services Manager

21 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor W Ashley and seconded by Councillor Mrs D Hone that Councillor R Beeching be appointed Chairman of the Licensing Sub-Committee for the meeting.

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

22 MINUTES – 14 OCTOBER 2013

RESOLVED – that the Minutes of the meeting held on 14 October 2013 be confirmed as a correct record and signed by the Chairman.

23 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution pursuant to Section 100 (A) (4) of the Local Government Act 1972, to exclude the press and public during consideration of the business referred to in Minutes 24 – 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.

24 ACCUMULATION OF 12 OR MORE LICENSING POINTS IN A ROLLING 24 MONTH PERIOD – MR BC

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors P Ballam and M McMullen and a Licensing Officer could remain in the room as observers.

The Senior Specialist Licensing Officer advised that the taxi driver detailed in the report had accumulated 12 or more Licensing Authority penalty points in a 24 month period. The driver had been issued with a total of 12 points rather than the 15 points detailed at paragraph 2.6 of the report as the Licensing Policy only allowed a maximum of 12 points to be issued on any one occasion.

Members were also advised that the taxi driver had already accumulated 10 points under the penalty points scheme as detailed at paragraph 2.7 of the report. The taxi driver currently had 22 points on his taxi driver's licence as the first of the historical points would remain 'live' until 25 June 2014.

The Senior Specialist Licensing Officer advised that, if Members were minded to suspend or revoke the taxi driver's licence, then the decision would not take effect until the statutory 21 day period for making an appeal to the magistrates' court had expired. He stated that if the decision was appealed to the magistrates' court, then the decision would be stayed until the court proceedings had concluded.

The applicant and the Senior Specialist Licensing Officer responded to a number of Members' queries. The applicant referred in particular to the circumstances that had led to the penalty points being applied. He explained the procedures he had put in place to prevent a reoccurrence of the circumstances leading up to the penalty points.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and 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 Officers, the applicant and his representative and had decided that a written warning be issued to the applicant regarding his future conduct. The Sub-Committee stated that his failure to produce valid insurance must not happen again. Additionally, the Sub-Committee was of the view that checking and ensuring that the correct equipment was in place in a taxi, was a welcome improvement.

The Chairman concluded that it was the applicant's responsibility to ensure that documentation was submitted to Officers in time and Members did not expect to see the taxi driver before a Licensing Sub-Committee in the future.

RESOLVED – that a written warning be issued to the taxi driver regarding his future conduct, for the reasons now detailed.

25 ACCUMULATION OF 12 OR MORE LICENSING POINTS IN A ROLLING 24 MONTH PERIOD – MR KA

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors P Ballam and M McMullen and a Licensing

Officer could remain in the room as observers.

The Senior Specialist Licensing Officer advised that the taxi driver detailed in the report had accumulated 12 or more Licensing Authority penalty points in a 24 month period. The driver had been issued with a total of 12 points rather than the 13 points detailed at paragraph 2.5 of the report as the Licensing Policy only allowed a maximum of 12 points to be issued on any one occasion.

Members were advised that the taxi driver detailed in the report, had been first licensed on the 8 July 2013 and had not previously been issued with any points under the Licensing Authority penalty points scheme.

The Senior Specialist Licensing Officer advised that, if Members were minded to suspend or revoke the taxi driver's licence, then the decision would not take effect until the statutory 21 day period for making an appeal to the magistrates' court had expired. He stated that if the decision was appealed to the magistrates' court then the decision would be stayed until the court proceedings had concluded.

The applicant and the Senior Specialist Licensing Officer responded to a number of Members' queries regarding the award of the penalty points. The applicant commented that he had been assured the correct equipment was in the taxi before he drove the vehicle. The applicant confirmed that he was in possession of all the guidance booklets issued to taxi drivers.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and 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 Officers and the applicant and had decided that a written warning be issued to the applicant regarding his future

conduct. The Chairman stated that it was the applicant's responsibility to re-read his guidance booklets and check that everything that should be in his taxi, was present and correct.

The applicant was reminded that he must be responsible for his actions and Members did not expect to see him before a Licensing Sub-Committee hearing in the future.

RESOLVED – that a written warning be issued to the applicant regarding his future conduct for the reasons now detailed.

26 APPLICATION FOR A TAXI DRIVERS LICENCE – APPLICANT WITH SPENT CONVICTIONS

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors P Ballam and M McMullen and a Licensing Officer could remain in the room as observers.

The Senior Specialist Licensing Officer advised the Sub-Committee of the details of the application and how it related to Section 51 of the Licensing Act 1976. Members were provided with background information relating to the applicant and the Sub-Committee was reminded that it was for the applicant to prove that he was a "fit and proper person" to hold a taxi driver's licence.

Members were also reminded that it was the role of the Licensing Sub-Committee to ensure the safety of the travelling public. The applicant was in attendance and he provided a detailed summary of his background and in particular the circumstances that led to his 3 convictions.

The applicant also detailed the process he had followed in completing his application as well as the circumstances of his enhanced criminal records bureau (CRB) disclosure. The applicant advised that he had had no further convictions since the year 2000 and he referred to his recent work for a scaffolding company as well as painting

and decorating work.

The applicant advised that he had also been working for “Tesco.com” operations at Waltham Cross. He stated that his work as a taxi driver would be in addition to this work. Members were provided with a recent letter detailing a job offer made to the applicant from a private hire company.

The applicant responded to a number of Members’ queries. At the conclusion of the representations, the Sub–Committee withdrew with the Legal Services Manager and 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 Officers and the applicant and had decided that Members were satisfied that the applicant had demonstrated that he was a fit and proper person to hold a Taxi Driver’s Licence.

The applicant was advised that this had not been an easy decision to make considering the procedures of the Licensing Authority plus the inaccuracies in the applicant’s application form filling.

The Panel concluded that the applicant had had an interesting past and should know that drinking and driving did not mix. Members stated that they trusted the applicant to look after the residents of East Herts in a correct and proper manner.

RESOLVED – that the application for a taxi driver’s licence be approved, for the reasons now detailed.

27 APPLICATION TO VARY A LICENSED PREMISES GAMING
MACHINE PERMIT FOR THE RYE HOUSE, RYE ROAD,
HODDESDON

The Director of Neighbourhood Services submitted a

report inviting the Licensing Sub–Committee to decide whether to grant or refuse the variation application to increase the number category C machines from 3 to 4 at The Rye House, Rye Road, Hoddesdon.

The Senior Specialist Licensing Officer advised that he had nothing to add to the report and he was not aware of any complaints or issues since the premises was granted a gaming machine permit for 3 category C machines on 9 July 2008.

As the applicant was not in attendance, the Sub–Committee remained in the room and approved the application as detailed in the report now submitted.

RESOLVED – that, as no reasons for not approving the application had been raised, the application to vary the licensed premises gaming machine permit be approved.

The meeting closed at 3.45 pm

Chairman

Date