

MINUTES OF A MEETING OF THE  
 LICENSING SUB-COMMITTEE HELD IN  
 THE COUNCIL CHAMBER, WALLFIELDS,  
 HERTFORD ON WEDNESDAY 2  
 SEPTEMBER 2015, AT 2.00 PM

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PRESENT: Councillor Rose Cheswright (Chairman).  
 Councillors A Alder and J Jones.

ALSO PRESENT:

Councillors G McAndrew, M McMullen,  
 P Moore and N Symonds.

OFFICERS IN ATTENDANCE:

Peter Agbley	- Licensing Officer
Robin Clark	- Licensing Enforcement and Community Safety Manager
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer
George Robertson	- Legal Services Manager

1 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor J Jones and seconded by Councillor A Alder 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.

2 MINUTES – 23 JANUARY 2015 AND 20 MARCH 2015

RESOLVED – that the Minutes of the meetings held on 23 January and 20 March 2015, be confirmed as correct records and signed by the Chairman.

3 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 Minute 4 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

4 APPLICATION FOR A TAXI DRIVERS LICENCE –  
APPLICANT WITH SPENT CONVICTIONS – APPLICATION  
NUMBER: 029040

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The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors G McAndrew, M McMullen, P Moore and N Symonds and a Licensing Officer in training could remain in the room as observers.

The Sub-Committee was reminded that applications for a taxi driver's licence should not be approved unless the applicant could prove that he was a fit a proper person and that case law meant that the impact on the applicant or his family of not granting a licence would not be a relevant consideration as it did not relate to the applicants 'fitness and propriety'. Members were advised that all the past offences were excluded from the Rehabilitation of Offenders Act and could be considered as relevant by the Sub-Committee.

The Senior Specialist Licensing Officer detailed the applicant's convictions and offences as detailed in the report. Members were advised that it was the applicant's

responsibility to declare all convictions and he had failed to do this in his application. The Sub-Committee was advised that they may wish to consider this in relation to the applicant's honesty.

The Senior Specialist Licensing Officer advised that Members should consider whether they would be happy for their family to get into a taxi alone with the applicant. The overriding consideration was the safety of the travelling public.

The applicant addressed the Sub-Committee in support of his application. He confirmed that he had received his convictions when he had been associated with the wrong crowd in his younger days. He stated that he was now married and needed work and there would be no further cause for concern regarding his conduct. He stated that the jobs he had were only short-term through agencies and he and his wife could not live off Job Seekers Allowance and that they had significant rent arrears.

In response to Members' questions, the applicant confirmed that he had only declared one conviction as he was under the impression that his other convictions were linked to a previous address so would not show up. He confirmed that he had completed the Driver and Vehicle Licensing Agency (DVLA) drink drive rehabilitation HAPAS course and explained the circumstances surrounding the police caution he had received in December 2012. He also explained the circumstances surrounding a number of his other convictions.

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 applicant and Officers and had decided to approve the application for a Taxi Driver's licence. The applicant was

advised that this had been a difficult decision that had been reached by a majority and was not unanimous.

The applicant was also advised that he now had an opportunity to prove himself and justify the trust being placed in him. Any breaches of any kind could result in his licence being withdrawn.

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

The meeting closed at 2.56 pm

Chairman .....
Date .....