

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON MONDAY 30 NOVEMBER
2015, AT 2.00 PM

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

ALSO PRESENT:

Councillors L Haysey, J Jones, P Ruffles and
N Symonds.

OFFICERS IN ATTENDANCE:

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

8 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor R Brunton and seconded
by Councillor G Cutting 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.

9 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that she had agreed to change the running order of the agenda so that the consideration of whether the holder of a Dual Drivers Licence remained a 'fit and proper' person would be considered before the matters referred to in Minutes 13 and 14.

10 MINUTES – 7 OCTOBER 2015

RESOLVED – that the Minutes of the meeting held on 7 October 2015 be confirmed as a correct record and signed by the Chairman.

11 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 12 – 14 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.

12 CONSIDERATION OF WHETHER THE HOLDER OF A DUAL DRIVERS LICENCE REMAINS A 'FIT AND PROPER' PERSON

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors L Haysey, J Jones, P Ruffles and N Symonds and Licensing Enforcement Officers in training could remain in the room as observers.

The Licensing Enforcement and Community Safety Manager detailed why this matter had been reported to the Licensing Sub-Committee with a recommendation from Officers that the Dual Drivers Licence be revoked.

The Sub-Committee was advised that the holder of the

Dual Drivers Licence had requested an adjournment to allow more time for him to secure legal representation. This would also allow time for disclosure of the relevant police reports. The Legal Services Manager confirmed that the applicant was entitled to be represented at this or any future meeting of the Sub-Committee.

The Chairman announced that Members had decided to adjourn a decision to allow for the disclosure of police reports and to allow the driver the opportunity to secure legal representation.

RESOLVED – that the decision on whether the holder of a Dual Drivers Licence remained a ‘fit and proper’ person be adjourned.

13 APPLICATION FOR A TAXI DRIVERS LICENCE –
APPLICANT WITH SPENT CONVICTIONS – APPLICATION
NUMBER: 029986

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

The Licensing Enforcement Officer summarised the application for a Taxi Drivers Licence that had been submitted on 18 September 2015. She stated there was no additional information and the starting point for Members was a recommendation from Officers that the application be refused.

The applicant detailed the circumstances that led to a police caution in September 2011. He advised that he had made a mistake and this had been an out of character incident. He concluded that he was a suitable candidate to hold a Taxi Drivers Licence. He also stated that he had passed his cab driving test and had received an offer of employment should his application be approved.

In reply to Members' questions, the applicant gave a more detailed account of the circumstances leading to his police caution. He also undertook to conduct himself professionally in transporting all his passengers in a safe and courteous manner.

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 Officers and had decided to approve the application for a Taxi Drivers Licence. The Chairman stated that this had been a very difficult decision that had been reached by a majority and was not unanimous. The Sub-Committee hoped that the applicant understood the importance of dealing with the public in an appropriate way.

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

14 APPLICATION FOR A TAXI DRIVERS LICENCE –
APPLICANT WITH SPENT CONVICTIONS – APPLICATION
NUMBER: 029766

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors J Jones and N Symonds and Licensing Enforcement Officers in training could remain in the room as observers.

The Licensing Enforcement Officer detailed the nature of the application which had been submitted on 24 August 2015 for a Taxi Drivers Licence. The Sub-Committee was advised that the applicant had not disclosed a conviction that subsequently came to light during the

usual background checks.

Members were also advised that it was for the driver to convince the Sub–Committee that he was a ‘fit and proper’ person to hold the licence and Members had not been given a specific recommendation from Officers.

The applicant detailed the specific circumstances that had resulted in his conviction. He explained that he had previously worked in takeaways in Staffordshire and had also managed a restaurant.

In response to Members’ questions, the applicant explained his non–declaration by stating he was under the impression that the conviction would not remain on his record.

The applicant assured the Sub–Committee that he had received a job offer from a taxi company and as he had experience of dealing with people who were under the influence of alcohol, the public would be safe going home in his taxi after visiting pubs and nightclubs.

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 Officers and had decided to approve the application for a Taxi Drivers Licence on the basis that the applicant 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 3.30 pm

Chairman
Date