

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 30 SEPTEMBER
2016, AT 2.00 PM

PRESENT: Councillor George Cutting (Chairman)
Councillors P Ballam and R Brunton.

ALSO PRESENT:

Councillors Mrs R Cheswright, G McAndrew,
P Ruffles and R Standley.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	Democratic Services Officer
Oliver Rawlings	Senior Specialist Licensing Officer
Jeanette Thompson	Legal Adviser

13 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor P Ballam and seconded by Councillor R Brunton that Councillor G Cutting be appointed Chairman of the Licensing Sub-Committee for the meeting.

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

14 MINUTES – 16 AUGUST 2016

RESOLVED – that the Minutes of the meeting held on 16 August 2016 be confirmed as a correct record and signed by the Chairman.

15 CHAIRMAN'S ANNOUNCEMENTS

The Chairman explained that agenda item 7 (Taxi Drivers' Licence DD127 – Dual Driver with 12 Licensing record Points) had been withdrawn from the agenda.

16 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 17 on the grounds that it involved the like disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

17 APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE – APPLICANT WITH A CAUTION AND OTHER RELEVANT NON-CONVICTION INFORMATION

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors Mrs R Cheswright, G McAndrew, P Ruffles and R Standley could remain in the room as observers.

The Senior Specialist Licensing Officer summarised the report and explained why it had been brought to Members. He stated that it was for the Sub-Committee to decide whether the applicant was a “fit and proper” person to hold a taxi driver’s licence.

The applicant explained why he needed the licence and the background to the caution he had accepted in 2014. The Council’s Legal Adviser stated that the applicant’s account of what had happened and the subsequent caution was inconsistent with the account he had given to a Licensing Sub-Committee at Welwyn and Hatfield Borough Council a year ago.

The applicant explained that the account he had given to that Council was because he had felt that they would

believe the Police rather than his account of what had happened. The Legal Adviser explained that in accepting a caution, the applicant's account was different to that which the Police had reported. The applicant stated that he was not looking for trouble and that he had not done anything wrong.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Adviser and Democratic Services Officer to consider the evidence.

Following this, they returned and the Chairman announced that the Sub-Committee had listened carefully to the evidence detailed in the report and the oral submissions provided by the applicant. The Sub-Committee was of the view that the applicant had not demonstrated that he was a "fit and proper" person in the light of the incident which had occurred in 2012 involving another licensed driver and the caution for soliciting which the applicant had received. The Sub-Committee also had serious concerns regarding the fact that the applicant admitted to providing conflicting submissions and inconsistencies of accounts to another Licensing Committee in order to retain his licence.

After considering the evidence put forward by all parties and East Herts Conviction Policy, the Sub-Committee was unanimous in agreement that the taxi drivers' licence should be refused.

The applicant was advised of his right of appeal to the magistrate's court within 21 days.

RESOLVED – that the application for a taxi drivers' licence be refused for the reasons now detailed.

Reasons for Decision:

1. The version of events regarding the incident which had occurred in 2012 involving another licensed driver led the Sub-Committee to

believe that there was more to this than suggested by the applicant. The applicant submitted that both drivers had just been "joking" around, however, this had led to an injury to the other driver at a taxi rank and the Police being called. The applicant had also explained that the matter went to court but that he did not know why the case had been dropped, which caused further concern. There appeared to be a lack of understanding that such physical behaviour between taxi drivers at a taxi rank was unacceptable even if, as outlined by the applicant, they were just fooling around, because of the impression it would have given to the public. The Sub-Committee was, in any event concerned that the applicant was not telling the complete truth about the incident.

2. The caution for soliciting was of grave concern to the Sub-Committee. The applicant had accepted the caution in 2014 and in doing so, agreed the Police account of events. As such, the applicant had been seen soliciting a prostitute and was then intercepted by the Police while in his hackney carriage vehicle. Under Est Herts Council's Taxi Licensing Conviction Policy, soliciting was considered a serious offence and applicants with such convictions (which included cautions) would normally be refused a licence, for not being a "fit and proper" person.
3. Furthermore, during the course of the hearing there had been a number of conflicting submissions and inconsistencies of accounts made by the applicant. The applicant had admitted the soliciting offence and had been cautioned, then provided a version of events to Welwyn and Hatfield Borough Council which, by his own admission, was untrue. The applicant

had then provided a different version of events to the Sub-Committee today. The applicant admitted that he had lied to Welwyn and Hatfield Licensing Committee in order to try and keep his licence. This brought into doubt the validity of his submissions today and further indicated that he was not a “fit and proper” person to be issued with a taxi driver’s licence by East Herts Council.

The meeting closed at 2.45 pm

Chairman
Date