

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 11
JANUARY 2017, AT 10.00 AM

PRESENT: Councillor R Brunton (Chairman)
Councillors P Ballam and J Taylor.

ALSO PRESENT:

Councillors D Andrews and G McAndrew.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
James Ellis	- Legal Adviser
Oliver Rawlings	- Senior Specialist Licensing Officer

31 APPOINTMENT OF CHAIRMAN

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

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

32 MINUTES – 4 NOVEMBER 2016

RESOLVED – that the Minutes of the meeting held on 4 November 2016 be confirmed as a correct record and signed by the Chairman.

33 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution to 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 34 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.

34 APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE – APPLICANT WITH A SPENT CONVICTION

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors D Andrews and G McAndrew could remain in the room as observers. The Senior Specialist Licensing Officer summarised why the matter had been reported to the Licensing Sub-Committee.

The applicant explained in detail the background leading up to his conviction. He explained that, in the light of his personal financial circumstances he had naïvely accepted the offer of a job which he had immediately regretted. He stated that the decision he took at the time was due to his immaturity and a lack of good judgement. He assured the Sub-Committee that this was not an excuse for his actions but that he hoped he could move on.

The applicant explained that he had come to England to work and that since the conviction, had held a number of paid positions of trust and responsibility within the catering industry. As part of that process he had applied for and received a Personal Alcohol Licence which had helped him secure promotion within that industry.

The applicant hoped that the fact that he had subsequently held a number of paid positions of trust and responsibility served to illustrate that he had matured and was both a “fit and proper person” and could be entrusted if a private hire driver’s licence was to be granted.

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. The Chairman announced that the Sub-Committee had carefully considered all the evidence detailed in the report, the detailed explanation received from the applicant and had due regard to the conviction policy in place at the time the application had been made.

The Sub-Committee considered that, having posed the question *“would you allow your son or daughter, spouse or partner, mother or father, grandson or grand-daughter or any other person for whom you care, to get into a vehicle with this person alone?”*, and the fact that the applicant was three quarters of the way through the spent conviction, the Sub-Committee was satisfied, after hearing the applicant’s presentation that he had demonstrated that he was a “fit and proper” person to hold such a licence. After considering the evidence put forward, the Sub-Committee unanimously agreed that the application for a Private Hire Drivers Licence be approved.

The applicant was advised that if there was any cause to question his continued fitness and propriety, the incident would be reviewed again before appropriate Officers.

The Legal Adviser explained that he took no part in the decision making process and was there to advise Members on points of law and what they could and could not do within the law.

RESOLVED – that the application for a Private Hire drivers’ licence be approved for the reasons now detailed:

Reasons:

1. The Applicant fully accepted the

consequences of his lack of judgement and immaturity and provided an open and detailed account of the circumstances that led to his conviction for fraud. In mitigation, the Applicant pointed to a number of paid positions of trust and responsibility he had held within the catering industry following his conviction demonstrating that he was a “fit and proper person” in this regard.

2. The Applicant had provided a criminal record certificate from his country of origin, Romania, which showed that he had not received a criminal record in connection with any offence during the time he had been resident there.
3. The Applicant was open and honest, making no attempt to shirk responsibility for his actions and in doing so, demonstrated to the Sub-Committee that he had learnt from his mistakes and was unlikely to suffer a similar lapse of judgement in the future.
4. When considering the above, the Sub-Committee had due regard to the conviction policy appropriate at the time of the application and noted that, whilst the conviction was spent for less than the 4 years specified in that policy, the Applicant was three quarters of the way through this period at the time of making his application.
5. Having posed the question “*would you allow your son or daughter, spouse or partner, mother or father, grandson or grand-daughter or any other person for whom you care, to get into a vehicle with this person alone?*”, the Sub-Committee was satisfied after hearing the applicant’s presentation that he had demonstrated that he was a “fit and proper” person to hold such a licence.

The meeting closed at 11.20 am

Chairman

Date