

LICENSING AND REGULATORY SUB-COMMITTEE

WEDNESDAY, 23 JUNE 2021

Present:

Councillors Bradford, D Cox and Kerswell

Officers in Attendance:

Democratic Services and Legal Administrative Assistant

Food Health & Safety Manager

Solicitor & Deputy Monitoring Officer

Democratic Services Officer

19. APOLOGIES

No apologies.

20. ELECTION OF CHAIR

Cllr Kerswell proposed that Cllr D Cox be elected Chair for the meeting. This was seconded by Cllr Bradford.

RESOLVED that Cllr D Cox be elected Chair for duration of the meeting.

21. DECLARATIONS OF INTEREST (IF ANY)

None.

22. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting from the following item on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act.

23. HACKNEY CARRIAGE DRIVERS LICENCE

The Sub-Committee gave consideration to a report presented by the Food and Health & Safety Manager (previously circulated) in which determination was sought in respect of the review of a driver's Hackney Carriage and Private Hire Vehicle Driver's Licence.

The Driver attended the meeting and was permitted to speak. The Driver made no submissions but answered questions put to him by the Sub-Committee.

Arising from consideration of the report, evidence presented and in accordance with the Council's procedure for hearings, it was moved by Councillor Kerswell and seconded by Councillor Cox, and

RESOLVED that the driver's Hackney Carriage and Private Hire Vehicle Licence be revoked with immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, in order to promote public safety due to the conduct of the driver as set out in the Report, as the Sub-Committee felt there was reasonable cause to support its view that the driver was not a fit and proper person to hold such a Licence.

Reasons for the decision:

Members noted the information set out in the Report in relation to the alleged conduct of the driver, particularly that he had failed to disclose his convictions for speeding and also had repeatedly, without good reason, failed to provide an enhanced DBS as required by the Council's Licensing Policy. Members of the Sub-Committee took all of this into account when making the decision.

Members of the Sub-Committee noted that the driver's attitude to the speeding offences did not appear to be one of remorse and that he thought the speed limit was silly. The driver also failed to give a reason as to why the enhanced DBS check had not been provided despite numerous requests having been sent to him requesting the same.

The driver's conduct greatly concerned Members as licensed drivers are in a responsible position and are required to transport the general public in their vehicle including children, the vulnerable and the elderly and often alone. Members felt that the information showed that, on balance, the driver's conduct was inappropriate for a licensed driver. As such Members were of the view that he was not a fit and proper person to hold such a licence.

Members of the Sub-Committee applied the test of whether they would be happy for a person they cared about or a vulnerable person to travel alone in a vehicle with the driver. Taking all matters into account, Members concluded that they would not.

The Sub-Committee noted its overriding duty to the public, and of the importance of protecting the public and public safety and considered that, on balance, there was reasonable cause to show that the driver was not a fit and proper person to hold a Licence.

The Sub-Committee therefore considered it to be reasonable and proportionate to revoke the driver's Hackney Carriage and Private Hire Vehicle Licence with immediate effect.

Cllr D COX
Chair