

LICENSING REGULATORY SUB-COMMITTEE

Minutes of the proceedings at a meeting of the Licensing Regulatory Sub-Committee held in the District Council Chamber - South Lakeland House, on Monday, 28 October 2019, at 10.00 a.m.

Present

Councillors

Helen Ladhams

David Webster

Ian Wharton

Officers

Courage

Trainee Solicitor

Aiguobasinmwin

Case Management Team Leader

Una Bell

Licensing Officer

Patrick Cantley

Sean Hall

Principal Specialist (Health & Environment)

Josie Smith

Legal, Governance and Democracy Specialist

LRS/20 ELECTION OF CHAIRMAN

RESOLVED – That Councillor Helen Ladhams be elected Chairman for the meeting.

LRS/21 APOLOGIES AND RECONSTITUTION OF MEMBERSHIP

There were no apologies and there had been no change in the membership of the Sub-Committee and, therefore, no reconstitution was necessary.

LRS/22 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that no declarations of interest were raised.

LRS/23 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That the item in Part II of the Agenda be dealt with following the exclusion of the press and public.

LRS/24 INTRODUCTIONS

The Chairman made introductions and read out the procedure for the meeting.

LRS/25 PRESS AND PUBLIC

RESOLVED - That, under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involve the likely disclosure of exempt information as defined in Part 1 of Schedule

28.10.2019

Licensing Regulatory Sub-Committee

12 A of the Act as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the paragraph indicated.

LRS/26**APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE**

- *Paragraph 1 - Information relating to any individual.*

The Licensing Officer presented a report asking Members to determine whether the applicant was a fit and proper person to hold a Hackney Carriage Driver's Licence. He drew Members' attention to the Late Representations which had been circulated prior to the meeting.

On the request of a Sub-Committee Member, the Licensing Officer read out Section 6 of the Council's Policy on Convictions and Cautions.

The Applicant presented their case.

The Applicant answered questions raised by Sub-Committee Members.

The Applicant summed up their case and provided a number of references for circulation to the Sub-Committee.

Note – The Sub-Committee passed a resolution to adjourn the meeting to exclude the press and public in making its decision, pursuant to Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the paragraph indicated:-

Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The Sub-Committee, supported by the Legal, Governance and Democracy Specialist then withdrew to consider the application.

The meeting was reconvened at 11.02 a.m.

The Applicant and the Applicant's supporter responded to further questions raised by the Sub-Committee Members.

Note – The Sub-Committee passed a resolution to adjourn the meeting to exclude the press and public in making its decision, pursuant to Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the paragraph indicated:-

Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The Sub-Committee, supported by the Legal, Governance and Democracy Specialist then withdrew to further consider the application.

The meeting was reconvened at 11.25 a.m. and the Legal, Governance and Democracy Specialist communicated the Sub-Committee's decision.

The Sub Committee having heard the facts of the case, having reviewed the personal references and heard the representations made by the applicant, having carefully considered the circumstances of the application and the SLDC Hackney Carriage and Private Hire Licensing Policy.

RESOLVED – That the application for a Hackney Carriage Driver's Licence be refused on the grounds that:-

(1) The Council has a duty to protect the public, and to be satisfied that drivers are fit and proper persons.

The Applicant was convicted in October 2017 for the offence of theft by employee as detailed within the report. The Applicant received a twelve month prison sentence suspended for two years plus 300 hours of community service.

Appendix H of the Council's policy and guidance on Taxi and Private Hire licensing states:

All convictions shall be considered on merit, having regard to paragraph 4.11 of Section 4 and will be weighed against the need to protect the public.

Dishonesty

Paragraph 6 of Appendix H of the Council's policy states:

Hackney carriage and private hire vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Foreign visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver.

For these reasons a serious view will be taken of any conviction involving dishonesty. Normally, a period of three to five years free of conviction will be required before entertaining an application.

(2) The Sub Committee considered that a period of only two years has passed since the applicant's conviction, the suspended sentence having finished recently and the dishonest nature of the offence was sufficiently serious and concluded that the Applicant is not a fit and proper person, at this time, to hold a hackney carriage drivers licence.

Note - The applicant was informed of their right to appeal to the Magistrates Court within 21 days following notification of the Licensing Regulatory Sub-Committee's decision.

The meeting ended at 11.27 a.m.