

**SPECIAL DEVELOPMENT CONTROL AND LICENSING COMMITTEE held at 6.30 pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 31 JULY 2002**

Present:- Councillor R B Tyler – Chairman.  
Councillors E C Abrahams, W F Bowker, Mrs C A Cant,  
Mrs M A Caton, P G F Lewis and A R Thawley.

Officers in Attendance:- P Dickson, Ms J Harrison, Mrs C Roberts, M Hardy  
and Ms A Turner.

**APOLOGIES**

Apologies for absence were received from Councillor Mrs J I Loughlin.

**PROCEDURES FOR DETERMINATION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

The Legal Officer explained the changes which were being suggested to the Council's procedures for determination and suspension/revocation of Hackney Carriage and Private Hire licences and their purpose which was to enhance the fairness and simplicity of the procedures.

RESOLVED that the revised procedures relating to Hackney Carriage and Private Hire licences be approved and adopted.

**EXCLUSION OF THE PUBLIC**

RESOLVED that under Section 100 A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that the decisions involved the likely disclosure of Exempt Information as defined in Paragraphs 4 and 7 of Part 1 of Schedule 12A of the Act.

**DETERMINATION OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

The Committee considered an application for a joint Hackney Carriage/Private Hire Driver's Licence where the Applicant did not meet the standard licensing conditions. The Chairman explained to the Applicant the procedure to be followed in considering the application.

The Council's Licensing Officer explained the reasons why the application had come before the Licensing Committee. The Applicant was invited to question the Licensing Officer and to comment on the accuracy of the Licensing Officer's report.

The Applicant was then invited to answer the observations of the Council's Licensing Representative and give reasons in support of his application. The

Licensing Representative then asked questions of the Applicant, as did Members at the invitation of the Chairman.

The Applicant made a final statement and then confirmed that he had said all he wished to say and had nothing further to add.

The Applicant and the Licensing Officers then left the meeting and the Committee considered its decision. The Applicant was later readmitted and informed of the decision. He was advised of his right to appeal to the Magistrates Court within 21 days.

RESOLVED that

- 1 in view of the Members' concern about the pattern of behaviour shown by the Applicant, the apparent lack of mitigating circumstances, the guidance issued by the Department of Transport and Home Office and the Committee's responsibilities to the public, no licence be granted in this case, but that the Applicant be told that he was free to apply again when he could offer a longer period of good conduct.
- 2 Councillor R B Tyler be nominated to give evidence in court on behalf of the Committee in the event of the Applicant appealing against the decision of the Committee to the Magistrates Court.

#### **DETERMINATION OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (REVOCAION OR SUSPENSION)**

The Committee considered whether revocation or suspension of the licence of a licensed driver would be appropriate in the circumstances of a breach of licence condition due to a criminal offence having been committed since the licence was issued. The Council's Licensing Representative, the Licence Holder and two witnesses on behalf of the Licence Holder were invited to enter.

Written representations and character references on behalf of the licence holder were circulated at the meeting. The Chairman explained that the Committee had been asked to consider suspension or revocation of the Licence Holder's Hackney Carriage/Private Hire licence.

The Licensing Representative explained the circumstances of the breach of licence condition. Opportunities were provided for questions from the Licence Holder and from Members.

The Licence Holder then made a statement and called witnesses in support of her case that the licence should not be suspended or revoked. The Licence Holder was questioned by the Council's Licensing Representative and by Members of the Committee.

The Licence Holder made a final statement and confirmed that she had said everything she wished to say and did not wish to add anything.

The License Holder, witnesses and Licensing Representative then left the room whilst Members considered their decision. The Licence Holder and licence officers were then recalled to the meeting.

RESOLVED that

- 1 Having regard to the circumstances of the case and the character references put forward by the Licence Holder, the licence should not be revoked or suspended on this occasion, but that the Licence Holder should be reminded that the Committee would have to reconsider the matter if there were any further conviction.
- 2 Councillor Thawley be appointed to give evidence on behalf of the Committee in the event of the licence holder appealing against the decision of the Committee.

The meeting ended at 8.25 pm.