

**LICENSING COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 6.30 pm on 9 DECEMBER 2003**

Present:- Councillor M J Savage – Chairman
Councillors K R Artus, H D Baker, E W Hicks, B M Hughes,
V J T Lelliott, A Marchant, J P Murphy and A R Row.

Officers in attendance:- M Hardy, J Harrison, C Roberts,
R Secker and A Turner.

LC14 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor A Dean.

**LC15 MEMBER PANELS FOR HACKNEY CARRIAGE/PRIVATE HIRE
LICENSING**

Jacqui Harrison, Solicitor, advised Members that the hearings were quasi-judicial in nature and there was a need to ensure that applicants had a fair hearing. In particular she advised that Applicants should not feel intimidated or overwhelmed by the size of the Panel. She suggested possible ways of achieving this for the applications before the Committee and answered questions from Members.

Members agreed to achieve panels of no more than six in cases where the applicant was present at the hearing.

**LC16 LICENSING FEES FOR DRIVERS, HACKNEY CARRIAGES AND PRIVATE
HIRE VEHICLES**

The Chairman advised the Committee of the outcome of the Report to Scrutiny Committee No 2 on the subject of consultation in relation to fee increases. It was noted that the organisation requiring consultation had not existed at the relevant time.

The Head of Environmental Services informed the Committee that an informal liaison meeting for general discussions with the taxi drivers' representatives was scheduled to take place on 14 January 2004. The Chairman added that public question time would give further space for consultation.

The Chairman asked for a preview of future reports on licensing going to the Scrutiny Committee.

Councillors H Baker, V Lelliott and A Marchant then left the meeting.

LC17 EXCLUSION OF THE PUBLIC

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public and press be excluded from the meeting on the

grounds that the business to be transacted involves the likely disclosure of exempt information as defined in paragraph 4 of Part 1 of the Schedule 12A of the 1972 Act.

LC18

DETERMINATION OF A PRIVATE HIRE DRIVER'S LICENCE

The Committee considered an application for a private hire driver's licence where the Applicant did not meet the pre-licensing standard conditions. The Chairman explained to the Applicant the procedure to be followed in considering the application and the Applicant confirmed that he had received and understood the procedure.

The Council's Licensing Officer explained the reasons why the application had come before the Licensing Committee. The Applicant confirmed that he understood all that the Licensing Officer had said and did not wish to ask any questions about it or about the Licensing Officer's report.

The Applicant was then invited to make his case. Members then asked questions of the Applicant.

The Applicant was invited to make a final statement which he did.

The Applicant and the Licensing Officers then left the meeting and the Committee considered its decision. The Applicant was later re-admitted and informed of the decision

RESOLVED

- 1 That a private hire driver's licence be granted in this case. The Committee considered that the Applicant was a fit and proper person and there was no likelihood of him re-offending because:-
the circumstances of the offence were that the Applicant was protecting his wife and daughter
it appeared that the court that tried the case had taken mitigating circumstances into account when imposing a conditional discharge
the Applicant was of previous good character and subsequent good behaviour; and
the Committee was favourably impressed by the Applicant's demeanour before the Committee

(Councillors Lelliott and Marchant then re-joined the meeting.)

LC19

DETERMINATION OF A PRIVATE HIRE DRIVER'S LICENCE

The Committee considered an application for a private hire driver's licence where the Applicant met the pre-licensing standard conditions but whose application had been referred by the Head of Environmental Services to the Committee due to the nature of the convictions and the fact that they had not been disclosed on the application form.

Two written character references were circulated at the meeting and read by the Members.

The Licensing Officer informed the Committee that the Applicant had e mailed a request for the case to be heard in his absence and had confirmed that the Licensing Officer's report on the case was true and accurate.

The Solicitor advised Members that Essex County Council employed drivers to drive unaccompanied children to and from school without carrying out any further background checks over and above possession of a current licence.

In answer to Members' questions, the Council's Licensing Officer explained the reasons given by the Applicant for failing to disclose the conviction and added that the Applicant himself had pointed out the error on the record about the children's ages. The Licensing Officer explained that the District Council had asked for the character references to be supplied, and he added that the Applicant wished to start his own company.

The Licensing Officers then left the meeting and the Committee considered its decision. The Licensing Officers were later re-admitted and informed of the decision.

RESOLVED that

- 1 a private hire driver's licence should not be granted in this case, because the Applicant was not a fit and proper person to hold a private hire vehicle driver's licence for the following reasons:

the Applicant had been convicted of offences of sexually assaulting young children;

Essex County Council use Private Hire Drivers to ferry unaccompanied children to and from school without carrying out any background checks other than possession of a current private hire vehicle driver's licence and that if he was granted such a licence he might be awarded a contract by the County Council for that purpose and this might put the children at risk; and

the Applicant had failed to disclose his convictions in his application for a licence.

- 2 Councillor J Murphy 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.

LC20

REVOCATION OF A PRIVATE HIRE DRIVER'S LICENCE

The Committee considered an application for revocation of a private hire driver's licence where the Applicant had failed to notify the Council of two convictions within seven days of the imposition of those convictions.

The Licensing Officer informed the Committee that he had spoken to the Applicant who was aware of the convictions and agreed that they related to him. The offences concerned a CS gas canister and a small quantity of cannabis. They had taken place outside the District at a time when the driver was not working as a taxi driver. Members were informed about the convictions before the Committee at the time the original licence had been granted.

The Licensing Officers then left the meeting and the Committee considered its decision. The Licensing Officers were later re-admitted and informed of the decision.

RESOLVED that

- 1 The private hire driver's licence should be revoked because the Applicant was not a fit and proper person to hold the licence for the following reasons:-

the Licensing Committee considered his original application for a licence on 31 July 2003 because he failed to meet the Council's pre-licensing standards as a result of having convictions within the previous five years and at that time he assured the Committee that there would be no repetition of the offences;

on 1 October 2003 the Applicant was convicted of possessing a prohibited weapon and possessing a class C controlled drug (cannabis) at Snaresbrook Crown Court; and

one of the conditions attached to the Applicant's licence was that the Applicant should report any criminal convictions to the Council within 7 days and he had failed to report these convictions.

- 2 Councillor V Lelliott 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.

(The meeting was then re-opened to the public)

LC21

START TIME OF MEETINGS/MEMBER PANELS

The Head of Environmental Services warned that in connection with the Council's new liquor licensing responsibilities, the Committee might have to meet during the day-time or weekly or as a sub-committee.

The Chairman informed the meeting that there would be provision for liaison with the taxi associations prior to the meeting on 14 January. The Licensing Officer confirmed that meetings would be starting at 6.30 pm where they included a driver application, and otherwise at 7.30 pm.

Members discussed the options available to them as a means of reducing the number of members hearing taxi driver applications.

RESOLVED that a report on possible options be submitted to the next meeting of the Committee.

The meeting ended at 8.22 pm.