

**LICENSING COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 6.30 pm on 7 APRIL 2004**

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

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

LC38 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A Dean, E W Hicks, B M Hughes, V J T Lelliott, and A Marchant.

LC39 DECLARATION OF INTEREST

Councillor J P Murphy declared a prejudicial interest in one application in so far as he was a regular customer of the taxi firm employing the applicant. He left the room for the duration of the hearing and deliberation upon that application, and took no part in the hearing or decision thereon.

LC40 UPDATE ON LIQUOR LICENSING LEGISLATIVE CHANGES AND TRAINING

The Head of Environmental Services informed Members that the draft Guidance on implementation of the liquor licensing reforms had been laid before Parliament and that whilst much of it was as anticipated, there were some issues to be clarified. He also updated Members on arrangements being made for training days and a consultation meeting with the Police Licensing Officer, Mr Sparrow, during the summer. Policy would be reviewed again in the autumn in the light of Parliament's response to the draft Guidance.

LC41 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 welcomed the Applicant and her employer. 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 confirmed that she

understood all that the Licensing Officer had said and did not wish to ask any questions about the Licensing Officer's report.

The Applicant was then invited to make her case. Members then asked questions of the Applicant and her employer.

The Applicant was invited to make a final statement and did so.

The Applicant and the Licensing Officers then left the meeting and the Committee considered its decision. The Applicant and Licensing Officers were briefly recalled to answer a question.

They were 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 re-offending because of the exceptional domestic circumstances which prevailed at the time of the offence. It appeared that the court that tried the case had taken mitigating circumstances into account when imposing six penalty points.

(Councillor Murphy then re-joined the meeting. At this point Councillor M Savage left the meeting and did not return.)

LC42 **ELECTION OF CHAIRMAN FOR THE REMAINDER OF THE MEETING**

RESOLVED

That Councillor K R Artus be elected Chairman for the rest of the meeting.

LC43 **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 but whose application had been referred by the Head of Environmental Services to the Committee.

The Committee received a message from the Applicant's prospective employer that the Applicant had forgotten the appointment with the Committee. She had failed to attend the previous appointment due to the absence of her babysitter. The Licensing Officer informed the Committee that the Applicant had confirmed that the Licensing Officer's report on the case was true and accurate.

The Solicitor advised that it was open to the Committee to proceed with the case in the light of the adjournment already made to accommodate the Applicant's difficulties with attending.

The Council's Licensing Officer explained the reasons why the application had come before the Licensing Committee, namely that the application did not meet the pre-licence standard conditions and the Head of Environmental Services had referred the matter to the Committee after the interview which the Applicant had requested. He outlined the events described in the report and answered questions from Members.

A copy of the criminal record was circulated for information. In answer to Members' questions, the Council's Licensing Officer explained the reasons given by the Applicant for failing to disclose the convictions and caution.

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

1 that the application for a licence be refused because the Committee is not satisfied that the Applicant is a fit and proper person to hold a private hire vehicle driver's licence for the following reasons:-

- (i) the Applicant has been convicted of an offence of wilfully abandoning/exposing a child or young person
- (ii) the Applicant has received a police caution in respect of an offence of possessing a controlled drug, class B, amphetamine
- (iii) drivers are employed to drive unaccompanied children to and from school without carrying out any further background checks over and above possession of a current licence and if granted such a licence the Applicant might be awarded a contract for that purpose which might put the children at risk.
- (iv) the Applicant failed to disclose the convictions in her application for a licence

2 Councillor A R Row 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 Committee considered an application for a private hire driver's licence where the Applicant did not meet the pre-licensing standard conditions but whose application had been referred by the Head of Environmental Services to the Committee.

The Applicant confirmed that he had seen a copy of the report and agreed its content. He explained that he needed a licence because he wished to start work.

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 the Licensing Officer's report.

The Applicant was then invited to make his case and answered questions from Members and the Licensing Officer.

The Applicant was invited to make a final statement but did not do so.

The Applicant and the Licensing Officers then left the meeting and the Committee considered its decision. The Applicant and Licensing Officers were briefly recalled to answer a question. They were later re-admitted and informed of the decision

RESOLVED

that a private hire driver's licence be granted in this case for the reason that the Committee considered the Applicant to be a fit and proper person and there was no likelihood of re-offending because of the extenuating domestic circumstances which accompanied the offences.

The meeting ended at 8.25 pm.