

**EXTRAORDINARY LICENSING COMMITTEE held at 2.00 pm
at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN
on 4 AUGUST 2010**

Present:- Councillor E W Hicks – Chairman
Councillors J E Hudson, D J Morson and D G
Perry.

Officers in attendance:- M Chamberlain (Trainee
Enforcement Officer), M Perry (Assistant Chief
Executive), C Roberts (Democratic Services
Officer), D Scales (Enforcement Officer) and S
Williams (Enforcement Team Leader).

LC16 **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED that the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information within the meaning of s.100 I and paragraph 1 of Schedule 12A Local Government Act 1972.

LC17 **DETERMINATION OF A PRIVATE HIRE DRIVER'S LICENCE**

The Members of the Panel and officers introduced themselves to the applicant driver and his legal representative.

The Committee considered the report presented by the Enforcement Team Leader setting out the circumstances of the case.

The Committee was asked to determine whether the driver's licence should be suspended or revoked for non-compliance with licence conditions regarding failure to disclose to the Council points received in connection with a fixed penalty offence.

The driver's legal representative addressed the meeting on the facts and the law; in particular the classification of fixed penalty disposal of an offence as an "alternative disposal", specifically not a conviction.

Members asked questions concerning the driver's awareness at various times of his obligation to report convictions to the Council.

LC18

DETERMINATION WHETHER OR NOT TO SUSPEND OR REVOKE A PRIVATE HIRE DRIVER'S LICENCE

The Driver, his representative, and the enforcement officers withdrew from the meeting at 3.00pm whilst the Panel of Members debated their decision.

At 3.10 pm the Panel of Members recalled the Officers and the driver and his representative to the meeting and the Chairman delivered the decision of the Committee.

RESOLVED that the Panel having considered all the facts has concluded, having heard the submission of the driver's advocate, that no further action should be taken in this matter and that the licence will be renewed.

The Panel wish the driver to note that the Council issues its licences under conditions. Licensed drivers are expected to have read and to know what is involved in these particularly with regard to any offences committed during the course of the licence. The driver must make sure that he complies with these conditions in future. The current situation was in fact one of the driver's own making since he had not read the terms and conditions. Those conditions have, since the offence, been amended to remove the loophole connected with fixed penalty offences. Further, the Licensing Department is always available to help and advise drivers. If the driver was in any doubt as to how to proceed, approaching the Licensing Department ought to have been the first thing he should have done. He would then have been properly advised and saved others involved in the case a lot of time and trouble.

The driver's representative assured the Panel that the driver did not intend to repeat the experience and would comply.

LC19

DETERMINATION WHETHER OR NOT TO SUSPEND OR REVOKE A PRIVATE HIRE DRIVER'S LICENCE

The Committee was informed that neither party was able to attend this case.

RESOLVED that arrangements be made for the case to be considered on 26 August at 6.30 pm

The meeting ended at 3.35 pm.