

**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH  
COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON  
WALDEN at 6pm on 4 MARCH 2015**

Present: Councillor D Perry (Chairman)  
Councillors J Davey, J Loughlin and J Salmon.

Officers Present: M Chamberlain (Enforcement Officer), M Perry (Assistant  
Chief Executive – Legal) and A Rees (Democratic and Electoral  
Services Officer).

Also Present: Mr Browning

LIC63 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

No apologies for absence or declarations of interest were received.

LIC64 **DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS  
LICENCE – MR BROWNING**

The Enforcement Officer said Mr Browning was first granted his private hire/hackney carriage drivers licence on 5 July 2010. It was due to expire on 30 June 2015. Currently he carried out school contract work on behalf of 24/7 Ltd.

When Mr Browning last renewed his licence, he produced a copy of his DVLA counterpart which showed his licence had been endorsed with three penalty points for an offence on 20 November 2012. This would not drop off his licence until 20 November 2016.

The Enforcement Officer explained that on 18 February 2015, the Council received an e-mail from Mr Browning saying he received a fixed penalty notice of six points on 12 February 2015 for failing to identify who was driving a licensed vehicle which belonged to 24/7. This related to an offence of speeding on 25 January 2014.

The Council contacted 24/7 to say they had been contacted by the Police about the incident. 24/7 confirmed they had identified the driver of the vehicle on 25 January 2014 as Mr Browning. An Enforcement Officer then spoke to Mr Browning and explained two letters were sent to him by the Police. He was summoned to the Magistrates Court as he had not returned the letters. However, Mr Browning claimed he never received them.

The case was heard at Basildon Magistrates, where Mr Browning received six points on his licence and was ordered to pay a fine and costs totalling £403. This was a reduced amount due to Mr Browning's mitigation.

The Enforcement Officer said Mr Browning now had nine points endorsed on his licence and fell below the Council's licensing standards as he had been endorsed with six points on his licence for a single offence.

In response to questions by Members, Mr Browning said he pleaded guilty following legal advice, although he did not believe he was driving the vehicle at the time of the incident. He explained it was routine for drivers to be contacted by the operator and asked to drop a vehicle off for another driver to use.

Mr Browning produced papers related to his court case, which were given to the Assistant Chief Executive – Legal to examine.

The Assistant Chief Executive – Legal explained that it appeared the case had initially been dealt with in Mr Browning's absence and had subsequently been reconsidered due to Mr Browning's mitigation.

He reminded Members the fixed penalty notice was for failing to identify who the driver of the vehicle was, not for an offence of speeding. Furthermore, if Mr Browning had been issued with a fixed penalty notice for speeding, it was unlikely his licence would have been endorsed with more than five points meaning he would have still met the Council's licensing standards.

Mr Browning said he would not have been driving the vehicle as the vehicle was caught speeding late at night and vehicles used to carry out school contracts could not be used as private vehicles.

Mr Browning and the Enforcement Officer left the room at 6.35pm so the Committee could consider its decision. They returned at 6.40pm.

## **DECISION**

Councillor Perry said the Committee considered Mr Browning to be a fit and proper person to hold a private hire/hackney carriage driver's licence.

LIC65

## **EXCLUSION OF THE PUBLIC**

RESOLVED that under section 100I of the Local Government Act 1972, the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 part 1 of Schedule 12A of the Act.

LIC66

## **DETERMINATION OF A PRIVATE HIRE DRIVERS LICENCE**

The Enforcement Officer said the driver's private hire licence was first granted on 12 January 2010 and was due to expire on 31 December 2015. On 28 January 2015, the Council received a letter from the Police saying the driver had been arrested on 16 January 2015 on suspicion of stalking a person causing serious alarm/distress and destroying or damaging property.

The driver was charged for both offences and appeared before North Essex Magistrates Court on 2 February 2015. On 30 January 2015, the Council wrote

to the driver informing him that his licence had been suspended with immediate effect in the interests of public safety.

The Enforcement Officer said on 4 February 2015 the Council received a letter from the driver explaining the reasons for his arrest. He stated in his letter that he had recently parted from his fiancé on bad terms. He had been cleared of the charges relating to harassment at Chelmsford Magistrates on 2 February 2015, although he did plead guilty to the offence of wilfully damaging her vehicle, which he claimed was out of character. The case was due to be heard on 27 June 2015.

The Enforcement Officer said the Council lifted the driver's suspension following his letter on 4 February. As he had a pending prosecution he fell below the Council's licensing standards and therefore Members had to decide whether he remained a fit and proper person to hold a private hire licence.

The Assistant Chief Executive – Legal informed Members it was unlikely the driver had been cleared of the charges relating to harassment on 2 February 2015. It appeared the driver had pleaded not-guilty and his case was due to be heard on 27 June 2015. Furthermore, if the driver had pleaded guilty to the offence of wilfully damaging the vehicle he would have been sentenced immediately after he made his plea.

Members were advised by the Assistant Chief Executive – Legal the burden on proof was on the driver to prove he was a fit and proper person to hold a private hire drivers licence.

## **DECISION**

The Committee decided to defer their decision until the next extraordinary meeting of the Committee in order to allow the driver to attend.

The meeting ended at 7.05pm.