

## Minutes

### Licensing Committee

Venue:	Committee Room
Date:	6 February 2012
Present:	Councillors Mrs S Duckett, K Ellis, Mrs C Mackman, B Marshall, D Peart (substitute for Mrs K McSherry), Mrs S Ryder, A Spetch (substitute for P Mackay), R Sayner (Chair), R Sweeting and J Thurlow.
Apologies for Absence:	Councillors K McSherry (substitute D Peart) and Mrs P Mackay (substitute A Spetch)
Officers Present:	Caroline Fleming - Senior Solicitor, Tim Grogan – Senior Licensing Enforcement Officer, Simon Scarrot – Senior Licensing Enforcement Officer and Glenn Shelley – Democratic Service Manager

#### **60. DECLARATIONS OF INTEREST**

None.

#### **61. MINUTES**

##### **Resolved:**

**To receive and approve the minutes of the Licensing Committee on the 16 January 2012 and they are signed by the Chair.**

#### **62. PROCEDURE**

The Procedure was noted.

#### **63. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE**

No address was given.

#### **64. PRIVATE SESSION**

**That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, as there will be disclosure of exempt information as defined in paragraph 3 of Part 1 of Section 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006.**

#### **65. APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE**

The Senior Enforcement Officer presented the **Report L/11/19** which outlined concerns that had been raised from the Criminal Records Bureau check. The Committee should consider whether the applicant was a fit and proper person to hold a Private Hire Drivers Licence.

Councillors were given the opportunity to question the applicant in connection with his application. The Committee considered their decision.

#### **RESOLVED:**

- i) To receive and note Report L/11/19**
- ii) To APPROVE the application for a Private Hire Drivers Licence**

#### **66. ISSUE CONCERNING THE BEHAVIOUR OF A PRIVATE HIRE DRIVER**

Councillors received the report of the Senior Enforcement Officer with regard to the conduct of a Private Hire Driver.

Councillors were asked to consider whether the individual was a fit and proper person to be licensed as a Private Hire Driver.

The Senior Enforcement Officer outlined the details of the case, read out the contemporaneous notes of the driver's interview and the additional information provided since the last hearing.

The applicant was not in attendance.

#### **Resolved:**

**That the Committee considered on the balance of probabilities that it had reasonable cause to come to the decision that the individual was not a fit and proper person to be licensed as a Private Hire Driver and his licence be revoked with immediate effect.**

#### **For the following reasons: That;**

- i) In 2004 NYCC decided they would not permit the Driver to drive children arising from certain allegations relating to young female persons, and whilst the matter was referred to the police no action was ultimately taken in relation to those allegations. This decision was confirmed by NYCC in 2006;**

- ii) The Driver had not challenged the decision of NYCC by way of appeal to court;
- iii) The Driver accepted in interview with the Council's Senior Enforcement Officer and at the first Committee hearing that complaints had been made about his conduct but was unable to recall the nature and specific detail of them. He did, however, deny that he was responsible for any misconduct;
- iv) The specific allegations referred to had been revealed by the Police to be: inappropriate comments made by two eleven years olds about a sixth form pupil; and inappropriate touching of one of the eleven year olds;
- v) The Licensing Committee formed the view from the evidence that;
  - the Driver was vague and misleading when interviewed about those matters by the Council's Senior Enforcement Officer and when questioned at the first Committee hearing
  - The Driver did reveal during interview that the imposition of his removal as a Driver on behalf of NYCC had been with immediate effect and that he had been prevented from fulfilling this particular school contract by officers of NYCC who attended the school to suspend the contract
  - Information NYCC had proposed to disclose to the Council in relation to the matters were prevented from being disclosed by the Driver
  - Any merit the Driver may have been entitled to had been removed by his reluctance to agree to the release of information held by NYCC;and
- vi) The Licensing Committee balanced the rights of the individual and the community at large and the impact of the Driver's character on users of the vehicle and the Drivers business.

The meeting closed at 11.10am.