

Appeals Committee – 19 June 2018

Minutes of the meeting of the **Appeals Committee** held on **19 June 2018** when there were present:-

Chairman: Cllr Mrs J R Gooding
Vice-Chairman: Cllr B T Hazlewood

Cllr Mrs D Hoy (for item 5)
Cllr R Milne

Cllr Mrs C A Weston

VISITING MEMBERS

Cllr Mrs C E Roe (for item 4)
Cllr P J Shaw

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr N L Cooper.

OFFICERS PRESENT

R Hurst	- Senior Solicitor
C Irwin	- Solicitor
S Greener	- Licensing Officer
S Worthington	- Democratic Services Officer

EXCLUSION OF THE PRESS AND PUBLIC

Resolved

That the press and public be excluded from the meeting for the remaining business on the grounds that exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 would be disclosed.

120 PROCEDURE DOCUMENT

The Committee noted the procedure to be followed in hearing the appeals.

121 COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

The Committee considered the exempt report of the Assistant Director, Legal Services relating to an application for a combined hackney carriage and private hire driver's licence.

The Committee considered all the exempt evidence circulated in advance of the hearing and the oral evidence and clarifications provided at the meeting. The Committee took into account the fact the length of time that had elapsed since the applicant's last criminal conviction and that these offences had taken place while the applicant was young. It also took into consideration the fact that the applicant was currently licensed with a neighbouring authority. It

also took into account the fact that the speeding offences had been at the lower end of the scale and considered it appropriate to grant the combined hackney carriage and private hire driver's licence.

The Committee did, however, emphasise that the applicant would be subject to all the Rochford District Council taxi licensing conditions, including the requirement to report any arrest, charge or summons to the Council within seven days and stressed that any further offence – either criminal or motoring – would be viewed in a very serious light and could result in suspension or revocation of the licence.

Resolved

That the combined hackney carriage and private hire driver's licence be granted. (ADLS)

122 COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

The Committee considered the exempt report of the Assistant Director, Legal Services relating to an application for a combined hackney carriage and private hire driver's licence.

The Committee considered all the exempt evidence circulated in advance of the hearing and the oral evidence and clarifications provided at the meeting.

The Committee received confirmation from the Council's Licensing Officer that the applicant had had hackney carriage driver's licences revoked by two other public authorities, in 2010 and 2017. The applicant presented evidence that suggested that the latter revocation was an error; however, this could not be verified.

Although the Committee took account of the age of the offences committed by the applicant, it was also mindful of the fact that the offences had been an attempt to pervert the course of justice in order to avoid prosecution for a number of speeding offences that had occurred at the time the applicant was licensed with a neighbouring authority. The Committee considered the offences to be serious ones that were directly related to holding a driver's licence and accordingly did not demonstrate that the applicant was able to conduct himself professionally as a licensed driver. It also had to take into account the fact that the applicant had previously had licences revoked by two separate authorities and as such considered that the applicant was not a fit and proper person to hold a combined hackney carriage and private hire driver's licence.

Resolved

That the application be refused. (ADLS)

The meeting commenced at 10.00 am and closed at 3.25 pm

Chairman

Date

CONFIRMED

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