

Licensing & Appeals Sub-Committee – 4 October 2021

Minutes of the meeting of the **Licensing & Appeals Sub-Committee** held on **4 October 2021** when there were present:-

Chairman: Cllr Mrs J E McPherson

Cllr Mrs L Shaw

Cllr P J Shaw

OFFICERS PRESENT

S Worthington - Principal Democratic & Corporate Services Officer
S Greener - Principal Licensing Officer
C Irwin - Solicitor
L Morris - 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.

10 PROCEDURE DOCUMENT

The Sub-Committee noted the procedure to be followed in hearing the appeal.

11 COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered the exempt report of the Assistant Director, People & Communities relating to an applicant falling outside the Council's licensing conditions as a result of receiving a Police caution for a drugs-related offence.

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

The Council's Licensing Officer confirmed that the driver had held a Hackney Carriage and Private Hire Combined Driver's badge since 2016 and a vehicle licence since November 2020. Reference was made to paragraph 4.12 of the exempt report which detailed the guidance of the Institute of Licensing on determining the suitability of applicants and specifically in respect of convictions relating to drugs. The Guidance had been adopted by the Council.

It was noted that the driver had received a Police caution in July 2021 for a drugs-related offence and had been required by the Police to attend a drugs awareness course. The Council had written to the driver on 28 July 2021 confirming that they did not meet the Council's Council licensing criteria.

In response to questions from Members, the following points were noted:-

- There were two different types of drugs testing. One involved a home test that tested for around 13 different types of substances in the previous month; the other was a hair sample, segmenting test that was usually done at walk-in centres that tested for any substances taken within the previous 12 months and could pinpoint what had been taken and on what date. The home test costed around £18.00 and the laboratory segmenting test costed approximately £600.00.
- The Police emailed all licensing departments of any issues relating to individual taxi drivers.
- A Police caution was still a conviction and a caution would be used by the Police as part of their evidence if the driver was to appear before them again.
- Taxi drivers were required to disclose to the Council any cautions or convictions.

During the hearing the Sub-Committee heard evidence from the applicant who advised that they had bought online 15g of psilocin for £200 for a close friend's birthday known to the driver since their schooldays. The drug was found at Heathrow and the driver was subsequently arrested. The driver had not realised that these were illegal. They emphasised how disappointed they were with themselves for acting so rashly and irresponsibly and stressed that they had not taken any drugs, nor had any intention of taking any. They expressed remorse at their mistake and emphasised that they had never been in any trouble prior to this incident.

In response to questions the following points were noted:-

- The driver had been interviewed at Southend Police Station for around 2 hours.
- The driver had complied fully with the Police and admitted all charges, including disclosing their employment with the Council. The Police had conducted the drugs awareness course by means of 3 telephone calls with the driver. This was aimed at those who had a drug problem. The Police were satisfied that the driver did not have a problem with drugs.
- Drug testing was a good idea and the driver would be prepared to undergo this.

In conclusion the driver confirmed that they were anxious to keep their taxi driving job and that they would not be making any further irresponsible mistakes like this in future.

The Sub-Committee carefully considered all of the evidence presented, both

oral and in writing during the hearing.

The Sub-Committee regarded the driver's caution in a serious light. However, they also took into consideration the fact that the driver had not had any previous convictions, had undertaken a drug awareness training course with Rayleigh Police.

The Sub-Committee determined therefore that the driver was a fit and proper person to hold a Combined Driver's Licence. However, the Sub-Committee deemed it appropriate that the driver should undertake a mandatory segmenting drug test to ensure the safety of passengers, along with an additional swab test at the request of the Rochford District Council Licensing Team within a five year period.

Resolved

That the driver was a fit and proper person to hold a Combined Hackney Carriage and Private Hire Driver's Licence and that the driver should undertake a mandatory segmenting drug test, along with an additional swab test at the request of the Council's Licensing Team within a five year period. (ADPC)

The meeting commenced at 2.00 pm and closed at 3.05 pm

Chairman

Date

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