

## **Licensing & Appeals Sub-Committee – 12 October 2020**

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Minutes of the meeting of the **Licensing & Appeals Sub-Committee** held on **12 October 2020** when there were present:-

Chairman: Cllr Mrs J R Gooding

Cllr M J Lucas-Gill

Cllr Mrs J E McPherson

### **OFFICERS PRESENT**

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

### **5 PROCEDURE DOCUMENT**

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

### **6 PRIVATE HIRE DRIVER'S LICENCE, OPERATOR'S LICENCE AND PRIVATE HIRE VEHICLE 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 by virtue of having had a criminal conviction.

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 Private Hire Driver's licence, Operator's licence and Private Hire Vehicle licence since 30 January 2015. The driver had attended the Council offices on 10 September 2020 to renew their vehicle licence and disclosed to Council officers that they had been convicted of two offences, relating to common assault and criminal damage on 7 August 2020. The Council wrote to the driver on 10 September 2020 confirming that they did not meet the Council's criteria outlined within the Rochford District Council Hackney Carriage and Private Hire, Driver, Vehicle and Operator Licence conditions and advising that they would need to attend a taxi licensing hearing in order for Members to determine if they were a fit and proper person to hold these licences.

During the hearing the Sub-Committee heard evidence from the applicant providing details of the event which had led to the two convictions in August. The driver claimed that a female member of staff had refused to serve them, claiming that the driver was intoxicated. The applicant had asked to speak to the manager who claimed that the applicant was intoxicated and got very close, trapping them in a corner by the bar. The applicant claimed that they had pushed the manager out of the way and was then punched by the manager. The applicant said that it happened very quickly and was all over in 30 seconds. The applicant claimed that the member of bar staff was inexperienced and could have avoided this situation by talking to them. The applicant expressed remorse and felt in hindsight that they should have left and gone to drink elsewhere. The applicant confirmed that they had undertaken two weeks of community service to date and had received positive feedback.

The applicant provided details of stress experienced in the run up to this incident. They told the hearing they had been experiencing difficulty with their employer, who were making it difficult for them to continue to work there on a part time basis, had changed their job description and were no longer offering them additional hours. The unions had been involved. The applicant stated that their partner, who also worked for the same employer, had been off work for some time with health problems caused by work and had also been diagnosed with COPD. This had resulted in financial difficulties and stress.

The driver confirmed that although they had driven to Canterbury at the time of the incident leading to the two convictions, they had been staying in Canterbury for the weekend and would therefore not have been driving afterwards.

During questioning the applicant disclosed that they had received a further conviction for criminal damage around 6-7 years ago. The applicant confirmed that they had pleaded guilty to that offence, rather than going to trial.

In conclusion, the applicant emphasised that as a licensed taxi driver they drove a lot of business clients and always put them at the forefront of all that they did and that they also maintained a spotless vehicle.

The Sub-Committee carefully considered all of the evidence presented, both oral and in writing, including the additional evidence provided by the driver at the hearing. The Sub-Committee was mindful of the fact that the driver had been convicted of three different criminal offences and was also sensitive to the Council's duty, as licensing authority, to protect the safety of the travelling public.

The Sub-Committee Members, while recognising the driver's remorse, had asked themselves whether they would allow a family member to get into a vehicle driven by the driver, ie, was the driver a safe and suitable person to hold a licence, and had determined that they would not. In addition, the Sub-Committee questioned whether the applicant's stress would negatively impact

on the safety of the travelling public. The Sub-Committee also emphasised that if the current licensing conditions had been in place in 2015 the applicant would not have been granted a licence as a result of their first conviction for criminal damage.

The Sub-Committee determined therefore that the driver was not currently a fit and proper person to hold a Private Hire Driver's Licence, Operator's Licence and Private Hire Vehicle Licence and therefore deemed it appropriate to revoke the applicant's licences with immediate effect.

### **Resolved**

That the Private Hire Driver's Licence, Operator's Licence and Private Hire Vehicle Licence should be revoked with immediate effect. (ADPC)

The meeting commenced at 10.00 am and closed at 12.48 pm

Chairman .....

Date .....

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