

To: Councillor Edwards (Chair)
Councillors Woodward, Jones, Rowland,
Skeats and Rynn

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Your contact is: **Richard Woodford - Committee Services**

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 3 - 9 DECEMBER 2020

A meeting of the Licensing Applications Sub-Committee 3 will be held on Wednesday, 9 December 2020 on the rising of the Licensing Applications Committee. The meeting will take place Online via Microsoft Teams. The Agenda for the meeting is set out below.

	<u>WARDS</u>	<u>Page No</u>
	<u>AFFECTED</u>	
1. DECLARATIONS OF INTEREST		
Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration.		
2. MINUTES		3 - 6
To confirm the Minutes of the Licensing Applications Sub-Committee 3 meeting held on 5 August 2020.		
3. QUESTIONS		
Questions submitted pursuant to Standing Order 36 in relation to matters falling within the Committee's Powers & Duties which have been submitted in writing and received by the Head of Legal & Democratic Services no later than four clear working days before the meeting.		
4. EXCLUSION OF PRESS AND PUBLIC		

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At this point, the following motion will be moved by the Chair:

“That, pursuant to Section 100A of the Local Government Act 1972 (as amended) members of the press and public be excluded during consideration of the following items on the agenda, as it is likely that there would be disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of that Act”

5. **APPLICATIONS FOR THE GRANT, RENEWAL, BOROUGHWIDE 7 - 64**
SUSPENSION OR REVOCATION OF HACKNEY CARRIAGE
AND PRIVATE HIRE VEHICLE DRIVER LICENCES AND
APPEALS AGAINST THE ALLOCATION OF PENALTY
POINTS ON PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Present: Councillors Edwards (Chair), Jones, Rowland, Rynn, Skeats and Woodward.

1. MINUTES

The Minutes of the meeting held on 3 March 2020 were confirmed as a correct record and signed by the Chair.

2. EXCLUSION OF THE PRESS AND PUBLIC

Resolved -

That, pursuant to Section 100A of the Local Government Act 1972 (as amended), members of the press and public be excluded during consideration of the following items of business as it was likely that there would be disclosures of exempt information as defined in paragraphs 1, 2, 3 and 5 specified in Part 1 of Schedule 12A (as amended) to that Act.

3. APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE OPERATOR'S LICENCE

The Director of Economic Growth and Neighbourhood Services submitted a report asking the Sub-Committee to consider an application by HS for the grant of a private hire vehicle operator's licence. The proposal was to operate 10 vehicles. The report set out the background to the application. The Sub-Committee noted that HS's application had been sent out for consultation with ward councillors.

Appended to the report was a copy of the Licensing Enforcement Officer's notes and transcript of a telephone conversation that took place with HS on 1 June 2020 and a copy of HS's response to the Licensing Enforcement Officer's email regarding the application.

HS was present at the meeting, represented by his father. The father addressed the Sub-Committee. HS and the father responded to questions.

Resolved -

That the application in respect of HS for the grant of a private hire vehicle operator's licence be refused as he was not considered to be a fit and proper person to hold such a licence by reason of:

- (a) his lack of experience in the private hire industry;
- (b) his lack of knowledge of the law or responsibilities for public safety which, for the Sub-Committee, was of paramount consideration;
- (c) his inability to answer questions regarding the running of the business to the satisfaction of the Sub-Committee, which did not provide the Sub-Committee with sufficient confidence that he would be able to run the business properly or in accordance with any management responsibilities he may have as an Operator;

- (d) the absence of the required knowledge or comprehensive plans regarding public safety, a business plan or in how the business would operate.

(Councillor Rowland was one of the ward councillors consulted on this application. She withdrew from proceedings when the Sub-Committee met separately to make its decision and when the Chair announced its decision. Councillor Rowland then re-joined the meeting for item 4).

(Exempt information as defined in paragraph 1, 2, 3 and 5)

4. APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE

The Director of Environment and Neighbourhood Services submitted a report asking the Sub-Committee to consider an application by SR for the grant of a three-year private hire vehicle driver's licence. The report set out the background to the application which included SR's history as a licensed hackney carriage vehicle driver and a holder of a private hire vehicle driver's licence. SR had held both HCV and PHV driver licences previously, but the licences had been suspended and/or revoked on several occasions.

SR was present at the meeting, represented by his daughter. The daughter addressed the Sub-Committee on behalf of SR. SR and the daughter responded to questions.

Resolved -

That the application in respect of SR for the grant of a three-year Private Hire Vehicle Driver's Licence be refused as he was not considered to be a fit and proper person to hold such a licence by reason of:

- (a) the number of and persistence of offences against his previously held private hire licence, some of which took place in 2015 and 2016, as detailed in the report;
- (b) his previous breaches of licence conditions, traffic regulations and other legislation which showed he had no concept of what was required of a competently licensed driver;
- (c) not being satisfied that SR had demonstrated he had shown remorse, awareness or responsibility for his previous offences; in particular, it was considered that SR was less than candid in his answers put to him by the Sub-Committee regarding his previous offences;
- (d) notwithstanding that SR had not re-offended in the last four years, concern over the safety of the public if SR had a licence in the light of his more recent offences and his lack of understanding of the effect of the consequences of that offending on his being able to demonstrate being a fit and proper person to hold a Private Hire Vehicle Driver's licence on a balance of probabilities;
- (e) he had not shown or demonstrated any real change in his behaviours, other than to apologise many many times, which of itself did not show

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specific change to conduct or behaviour to warrant the awarding of a licence on this occasion.

(Councillor Skeats could not participate fully throughout item 6 due to internet problems. She was unable to re-join the meeting and therefore took no part in the decision making of this item. She was not present when the Chair announced the Sub-Committee's decision.)

(Exempt information as defined in paragraph 1, 2, 3 and 5)

(The meeting started at 6.30pm and closed at 9.54pm)

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Agenda Item 5

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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