

Public Document Pack

Licensing Committee (Hackney Carriage)

Thursday 20 August 2009

PRESENT:

Councillor Mrs Dolan, in the Chair.
Councillor Drean, Vice Chair.
Councillors Bowie, Delbridge, Rennie and Thompson.

Apology for absence: Councillor Reynolds.

The meeting started at 10am and finished at 12.05pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

45. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members in accordance with the code of conduct.

46. MINUTES

Resolved that the minutes of the meeting held on 30 July 2009 are confirmed as a correct record.

With reference to minute 37, the new premises had yet to be visited to assess whether it was fit for purpose.

47. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

48. APPEAL CASES

The committee was informed that there had been no new appeals emanating from the committee meeting held in July 2009 but there was one appeal waiting to be heard from an earlier committee meeting.

49. LICENSED DRIVER REVIEW OF LICENCE STATUS FOLLOWING CONVICTION - G M O'CONNOR

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard details of Mr O'Connor's conviction.

Mr O'Connor was not present at the time appointed for his committee hearing. Members heard that a letter was sent to him by recorded delivery on 7 August 2009 which advised that in the event of Mr O'Connor's non attendance the matter could be heard in his absence and suspension or revocation of his licence could be considered by Members.

Members felt at this point that in view of the prior notification and the seriousness of the matter that it was proportionate and reasonable to hear the matter today in his absence.

After hearing the report and whilst Members were deliberating the licensing officer interrupted proceedings to notify Members that Mr O'Connor had just contacted the licensing office to advise that he was unable to attend because he was having difficulty in obtaining legal representation. Members felt that he had ample opportunity prior to the hearing date to obtain legal representation and elected to proceed with the decision making process.

In view of the seriousness of the offences to which Mr O'Connor had already pleaded guilty which were possessing a knife, blade or sharp pointed article in a public place and criminal damage and the fact that he was at the time operating in the course of his business as a hackney carriage driver and by his actions did threaten another driver's safety, Members felt that this raised grave concerns for public safety under the council's licensing objectives and considered that Mr O'Connor was no longer a fit and proper person.

Resolved that Mr O'Connor's hackney carriage driver's licence is revoked.

After the decision had been reached at 10.40am Members received a further interruption from the licensing officer who advised that Mr O'Connor had arrived to attend the hearing but Members considered that as Mr O'Connor had had sufficient time to contact the committee by post, telephone or in person they decided it was not appropriate to rehear the matter. Mr O'Connor was present for the decision.

50. **EXEMPT INFORMATION**

Resolved that under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) 3 and 7 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

51. **MINUTES (CONFIDENTIAL) (E3 AND E7)**

Resolved that the minutes of the meeting held on 30 July 2009 are approved as a correct record.

52. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - FDM (E3 AND E7)**

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from FDM;
- (iii) heard details of FDM's conviction.

Resolved that the application for the grant of a private hire driver's licence is granted subject to the completion of the VRQ qualification in accordance with the Council's policy.