

Minutes of Licensing Sub Committee 2

11 January 2021 at 10.00am
Virtual Online Meeting

Present: Councillor M. Rouf (Chair)
Councillors S. Davies and I. Jones

Officers:
Fiona Gee (Licensing Manager)
Paul Arnold (Licensing Enforcement Officer)
David Elliott (Solicitor)
Shane Parkes (Democratic Services Officer)
Connor Robinson (Democratic Services Officer)

Apologies: Councillors Eaves, L. Giles, and Preece

1/21 Minutes

Resolved that the minutes of the meeting held on 10th August 2020 were confirmed as a correct record.

2/21 Exclusion of the Public

Resolved that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order, 2006, relating to any individual and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.



Matters Delegated to the Sub Committee to consider Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Driver’s/Vehicles/Operators Licensing related matters

3/21

Application for the review of a Private Hire Driver’s Licence in respect of Mr H.

Members considered an application for the review of a Private Driver’s Licence in respect of Mr H.

Mr H attended the virtual online meeting after failing to attend the Committee on 30th November 2020. He was accompanied by his nephew, Mr A H who acted as interpreter. Mr H had not previously appeared before the Licensing Sub Committee.

The Licensing Manager advised that Mr H had been invited to attend the Committee due to an alleged incident that he had failed to notify the Licensing Office about within the required time limit as set out in the conditions of his licence. Mr H was informed that he should notify the Licensing Office of relevant incidents within the time limits set out in the Licensing Policy. Mr H’s Private Hire Driver’s Licence had been suspended.

Mr H maintained that he and his vehicle had not been involved in the alleged incident.

Members were advised that Mr H had not subscribed to the DBS online update service. Mr H had thought that as he had obtained his DBS and set up a direct debit he had complied with that condition. The Licensing Manager confirmed that subscription to the service was a condition of the Licence. Failure to comply meant that the licence was suspended as the driver cannot prove on the balance of probabilities that he continues to be ‘fit and proper’ to drive a Private Hire Vehicle.

It was noted that Mr H had left his last known permanent address in early December 2020 and was now living in temporary accommodation. He was informed that he must advise the



Licensing Office in respect of his change of address to comply with the conditions of his Private Hire Driver's Licence.

The Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application.

Having considered all the information before them, the Sub Committee was minded to warn Mr H as to his future conduct and the effect that any further issues may have on his licence.

The reasons for the decision was as follows:-

- The Sub Committee could not find that the allegation had been proven to have occurred on the balance of probabilities as the matter had not proceeded further due to lack of evidence.
- Mr H had not signed up to the online DBS service or supplied, as a consequence an up to date criminal history check and so could not establish on the balance of probabilities his continued fitness and propriety to hold a Private Hire Drivers Licence. Accordingly, he was to remain suspended until this information was provided together with the requirements relating to the DBS Service.
- It was noted that Mr H had been licensed with the authority since 2009 and there had been no other incidents or requirements to attend the Licensing Sub Committee.
- The Sub Committee was satisfied that Mr H had read the handbook and whilst his English comprehension, spoken and read was perhaps short of perfect he had passed the knowledge test and had friends and colleagues who could assist him on matters of comprehension and interpreting. Therefore, this would not be considered in future as a reason for failure to comply with the conditions of the Licence by the driver.



Resolved that :-

- (1) Mr H be warned as to his future conduct and the effect that any further issues may have on his licence;
- (2) the Private Hire Driver's Licence in respect of Mr H remain suspended until the Licensing Manager was satisfied that Mr H had registered with the DBS online service and updated his address.

In making the decision the Committee had regard to the Local Government (Miscellaneous Provisions) Act 1976, Council Policy and Guidelines, relevant case law and the Human Rights Act 1998.

Meeting ended at 12.08pm

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