

LICENSING & GENERAL PURPOSES COMMITTEE
TAXI & PRIVATE HIRE LICENSING PANEL
27 September 2018

Minutes of the Taxi & Private Hire Licensing Panel held at the Town Hall, Bexhill-on-Sea on Thursday 27 September at 10.00am.

There were present:

Members of the Taxi and Private Hire Licensing Panel
Councillors: S.D. Elford, K.M. Field and Mrs J.M. Hughes.

Legal Advisor
Charles Streeten, Counsel for the Council.

Advisory Officers
Environmental Health Licensing Officer and Democratic Services Officer.

TLP18/01. APPOINTMENT OF CHAIRMAN

Councillor Elford was duly appointed as Chairman of the Panel for this hearing.

TLP18/02. MINUTES

The Chairman was authorised to sign the minutes of the last Taxi and Private Hire Licensing Panel held on 13 June 2017 as a correct record of the proceedings.

TLP18/03. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded whilst the matter containing exempt information, as prescribed by Part 1 of Schedule 12A of the Local Government Act 1972, as amended and relating to Minute TLP18/04 was under consideration. The report submitted in connection with this item that contained information exempt from publication by virtue of Part 1 of Schedule 12A to the Act shall remain confidential if and so long as, in all the circumstances of the cases, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

TLP18/04. DUAL LICENCED DRIVER TPHLP180927

The Chairman welcomed and introduced all present to the meeting and advised on the remit of the Licensing Panel in determining the matter as detailed in the confidential report of the Executive Director. The driver TPHLP180927 was not present at the hearing; officers had not been advised of the driver's intentions in advance, therefore the Panel

decided to proceed in their absence. The Panel agreed that should the driver arrive at any point during the proceedings, he/she would be welcomed to the hearing.

The Panel had to determine whether the former licensed driver TPHLP180927 remained a fit and proper person to continue to hold a Private Hire Operator's Licence as a result of a number of incidents relating to the individual's conduct. In the event that the individual was no longer a fit and proper person, the Panel could give consideration as to whether it was necessary and / or appropriate to take action against the driver's Private Hire Vehicle Licence. The driver's Dual Driver's Licence had been revoked under delegated authority on 7 September 2018 on the grounds of public safety, but this was subject to a 21 day period during which the former driver could appeal to the Magistrates' Court.

The Environmental Health Licensing Officer and the confidential report detailed the relevant information concerning the allegations that had been made to both Sussex Police and the Council, concerning the former driver's conduct towards a 15 year old employee, for the Panel's consideration. The confidential report also stated that since the grant of the licences, the former driver had been required to pay an immigration penalty in relation to their restaurant business.

The Panel retired to consider the case in private. The Panel took into account all the written evidence provided to them and the verbal statement made by the Environmental Health Licensing Officer. The Council's legal representative advised the Panel on the matters that should be taken into account in determining this case.

The Panel gave careful deliberation to the evidence provided in regards to all of the allegations made. The Panel decided that the operator no longer remained a 'fit and proper person' to hold a Private Hire Operator's Licence or a Private Hire Vehicle Licence. The Panel took the decision that the behaviour was not that expected of a licensed operator, and warranted the revocation of both licences in this instance.

RESOLVED: That the Private Hire Operator's Licence and Private Hire Vehicle Licence for driver TPHLP180927 be revoked.

(This matter was considered exempt from publication by virtue of Paragraphs 1, 3 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended).

CHAIRMAN

The meeting closed at 10.56am

TLP180927.lh