

LICENSING AND GENERAL PURPOSES COMMITTEE - TAXI AND PRIVATE HIRE LICENSING PANEL

6 April 2023

Minutes of the Taxi & Private Hire Licensing Panel held at the Town Hall, Bexhill-on-Sea on Thursday 6 April at 10:05am.

There were present:

Members of the Taxi and Private Hire Licensing Panel

Councillors: K.M. Field, L. Hacking and C.A. Madeley.

Legal Adviser

Solicitor / Lawyer Litigation - Wealden & Rother Shared Legal Services.

Interested Parties

Driver – TPHLP230406

Driver's Representative – Ms T-S.

Advisory Officers

Licensing Assistant x 2 and Democratic Services Officer.

TLP22/5 **APPOINTMENT OF CHAIR**

Councillor Field was duly appointed as Chair of the Panel for this hearing.

TLP22/6 **MINUTES**

The Chair was authorised to sign the Minutes of the last Taxi and Private Hire Licensing Panel held on 19 May 2022 as a correct record of the proceedings.

TLP22/7 **EXCLUSION OF PRESS AND PUBLIC (EXEMPT INFORMATION)**

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 TLP22/08 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.

LICENSED DUAL DRIVER - CONSIDERATION OF GRANT OF LICENCE (PARAGRAPHS 1, 3 AND 7)

The Chair welcomed and introduced all present to the meeting. The Solicitor / Lawyer Litigation advised on the remit of the Licensing Panel in determining the matter, as detailed in the confidential report of the Head of Service Environmental Services, Licensing and Community Safety.

The Panel had to determine whether the Driver was a fit and proper person to be granted a Dual Driver's Licence.

The confidential report stated that the Driver had disclosed on their application form that they had convictions dating from 2016 for criminal damage and assault. Sussex Police had responded to a Data Protection Act Request which confirmed the Driver's version of events, but added that the Driver was the primary aggressor, and made their concerns known regarding their behaviour and use of alcohol, albeit more than six years ago.

The application for a Dual Driver's Licence had been made six years after the offences and the convictions fell within the Council's convictions policy periods, which would generally bar an application.

The Council had received a statement from the Driver for the Panel to consider; the Driver had accepted responsibility for their actions and did not appeal the conviction or sentence. The Council had also received a statement from a family friend expressing their support for the Driver.

The Panel firstly heard from the Licensing Assistant, who provided further details of the matters for consideration. The Panel was advised of the options available to them, namely: to grant the Dual Driving Licence or not grant the Dual Driving Licence.

The Panel then heard from the Driver who expressed their regret that the incident leading to the convictions had occurred, that they had not exhibited this type of behaviour before then or since, they had accepted full responsibility at the time and it had been out of character.

The Panel retired to consider the case in private. The Panel took into account all the written evidence provided to them, including the verbal statements made by the Licensing Assistant and the Driver. The Council's Solicitor / Lawyer Litigation advised the Panel on the matters that should be taken into account in determining this case.

The Panel, having had reference to statutory guidance and also the Council's policy, determined that the Driver was not a fit and proper person to hold a dual driver's licence and the application was refused.

RESOLVED: That the licence application for Driver TPHLP230406 be refused.

(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).

CHAIR

The meeting closed at 10:46am.