

**BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL**  
**LICENSING SUB-COMMITTEE**

Minutes of the Meeting held on 24 June 2021 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Present: Cllr B Dove and Cllr G Farquhar

10. Election of Chairman

**RESOLVED that Councillor Judes Butt be elected Chairman of the Sub-Committee for the duration of the meeting.**

Voting: Unanimous

11. Apologies

There were no apologies received.

12. Declarations of Interests

There were no declarations of interest

13. Exclusion of Press and Public

**RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.**

14. Review of Private Hire Driver Licence

This item was considered in non-public session as it was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

Attendance:

From BCP Council:

Nananka Randall – Licensing Manager

Linda Cole – Legal Advisor to the Sub-Committee

Claire Johnston – Democratic Services Officer and Clerk to the Sub-Committee

The driver and his legal representative were also in attendance.

The Licensing Manager presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book. Further submissions were also made following the publication of the agenda which included witness statements provided on behalf of the applicant and information provided by social services. Councillors were asked to decide whether the driver remained a 'fit and proper' person to hold a Private Hire Driver's licence.

The meeting adjourned from 10.15am to 10.20am.

It was confirmed that a recording of an interview conducted with the driver by the Licensing team had not been viewed by all parties. The Chairman confirmed that all parties were happy to view the recording during the hearing. The recording of the interview as referred to in the report was shown to all parties present.

The Sub-Committee asked various questions of all parties present and were grateful for the responses received. Each party was given the opportunity to ask questions of the evidence provided by the other party.

All parties were invited to sum up before the Sub Committee retired to make its decision. Before concluding the Hearing, the Legal Advisor advised all parties of the right of appeal.

**It was RESOLVED that having considered the written report at Agenda Item 5 and the verbal submissions of the Licensing Manager, and the Driver, together with all responses to the questions asked of both parties, that there was reasonable cause to revoke the Private Hire Driver's Licence with immediate effect in the interests of public safety and in accordance with section 61(2b) Local Government (Miscellaneous Provisions) Act 1976, because the driver was not found to be a fit and proper person to hold such a licence.**

**The Sub-Committee took into consideration the written documents, verbal submissions and information contained in Agenda Item 5; the provisions of the Local Government (Miscellaneous Provisions) Act 1976, *Statutory Taxi and Private Hire Vehicle Standards* issued by the Department for transport issued in July 2020, the BCP Hackney Carriage and Private Hire Driver Policy and the Institute of Licensing (IOL) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.**

#### Right of Appeal

All parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of the decision in writing.

Voting - Unanimous

15. Consideration of the Suitability of an Individual to become a Hackney Carriage and/or Private Hire Driver

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

The Chairman explained the protocol detailing the procedures of the meeting, as attached to the Agenda and asked that it be agreed. All participating parties agreed the procedure.

Attendance:

From BCP Council:

Nananka Randall – Licensing Manager

Linda Cole – Legal Advisor to the Sub-Committee

Claire Johnston – Democratic Services Officer and Clerk to the Sub-Committee

The Driver was also in attendance.

The Licensing Manager presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

Councillors were asked to decide whether the applicant was a 'fit and proper' person to hold a Private Hire Driver's licence. The Sub Committee asked various questions of all parties present and were grateful for the responses received.

All parties were invited to sum up before the Sub Committee retired to make its decision. Before concluding the Hearing, the Legal Advisor advised all parties of the right of appeal.

**It was RESOLVED that having considered the written report at Agenda Item 6 and the verbal submissions of the Licensing Manager, and the Driver, together with all responses to the questions asked of both parties, the Sub-Committee was satisfied that the Driver was a 'fit and proper' person to hold a Public Carriage Drivers' Licence. The granting of the licence was dependent on the successful completion of all remaining steps in the application process.**

**The Sub-Committee took into consideration the written documents and information contained in Agenda Item 6, the provisions of the Local Government (Miscellaneous Provisions) Act 1976, the BCP**

**Hackney Carriage and Private Hire Driver Policy and the Institute of Licensing (IOL) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.**

Right of Appeal

All parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of the decision in writing.

Voting - Unanimous

The meeting ended at 2.12 pm

CHAIRMAN