

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 06 July 2022 at 10.00 am

Present: Cllr D Brown, Cllr R Burton and Cllr J J Butt

25. Election of Chair

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

Voting: Unanimous

26. Apologies

An apology for absence was received from Cllr Norman Decent and Councillor David Brown, as a reserve member, assumed the role as a Licensing Sub-Committee member, in his absence.

27. Declarations of Interests

There were no declarations of interest.

28. Protocol for Public Speaking at Meetings

The Protocol for Public Speaking at Meetings was noted.

29. 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.

30. New Driver Application

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 Chair made introductions and explained the procedure to be followed in considering this item, which was agreed by all participating parties.

Attendance:

From BCP Council:

Michelle Fletcher – Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

The Driver and his wife 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.

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 was 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 of the Licensing Officer and the verbal submissions and responses to questions provided at the hearing by all parties and having regard to the BCP Hackney Carriage and Private Hire Driver Policy and the relevant guidance documents issued by the Institute of Licensing (IOL) and the Department of Transport, the Sub-Committee have decided that the applicant is a 'fit and proper' person to hold a private hire drivers licence, subject to his completion of the full application process.

In making its decision, the Sub-Committee accepted the applicant's explanation as to his failure to provide an enhanced DBS check and find that he was not dishonest when completing his application.

The Sub-committee find the applicant to be remorseful for his previous actions and accept his word that such behaviour will not occur again.

The Sub-Committee took into consideration the written documents and information contained in Agenda Item 5; the BCP Council Private Hire and Hackney Carriage Conditions, Bylaws and Guidance, the BCP Private Hire and Hackney Carriage Policy, the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Institute of Licensing (IOL) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades and the oral representations made at the Hearing on 6th July 2022.

The meeting ended at 10.55 am

CHAIRMAN