

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 14 February 2024 at 10.15 am

Present:-

Cllr M Dower – Chair

Present: Cllr A Chapmanlaw, Cllr S Moore and Cllr J Richardson

101. Election of Chair

RESOLVED that Councillor Michelle Dower be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

102. Apologies

Apologies from reserve members Cllr George Farquhar and Cllr Anne Filer, who were both attending mayoral engagements.

Cllr Judy Richardson was now attending as reserve member.

103. Declarations of Interests

There were no declarations of interest for this meeting.

104. Protocol for Public Speaking at Licensing Hearings

A protocol for public speaking at licensing hearings was included with the agenda sheet for noting.

105. 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.

106. Consideration of the suitability of an individual to become a Hackney Carriage and/or a 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).

From BCP Council:

Johanne McNamara – Legal Adviser to the Sub-Committee

Trudi Barlow – Licensing Officer

Rebekah Rhodes – Clerk to the Sub-Committee

The Applicant was also in attendance.

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

The Licensing Officer 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.

The Sub Committee was asked to consider whether the applicant was deemed to be a 'fit and proper' person to allow them to continue with the application process for a hackney carriage/private hire drivers licence.

The applicant addressed the Sub Committee to present their case.

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 Council's Legal Advisor advised all parties of the right of appeal.

RESOLVED that the applicant is considered to be a 'fit and proper' person to continue with the application process to become a licenced hackney carriage and/or private hire driver.

Reason for Decision:

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the Licensing Officer's report for Agenda Item 6 and the verbal submissions made at the hearing by all parties, including the responses provided by the applicant to questions from the Sub Committee.

In considering the test of a 'fit and proper person', the Sub Committee had regard to the BCP Council Hackney Carriage and Private Hire Driver Policy 2021 - 2025, the provisions of the Local Government (Miscellaneous Provisions) Act 1976, the Institute of Licensing (IOL) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades (2018) and the guidance within the Department of Transport Statutory Taxi and Private Hire Vehicle Standards (updated November 2022).

Having considered the circumstances of the case, the Sub Committee concluded that the applicant is a 'fit and proper person', so that the applicant should be able to continue with the application process to become a licensed Hackney Carriage/Private Hire driver.

Anyone aggrieved by this decision has the right of appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

The meeting ended at 10:58am

CHAIRMAN