

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 10 November 2021 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Present: Cllr S C Anderson and Cllr D Brown

35. Election of Chairman

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

Voting: Unanimous

36. Apologies

Following the publication of the agenda, Councillor Julie Bagwell submitted apologies for this meeting and Councillor Sarah Anderson, as first reserve, assumed the role as a Licensing Sub-Committee member. Councillor David Kelsey also submitted his apologies and Councillor David Brown, as second reserve, assumed the role as a Licensing Sub-Committee member.

There were no other apologies for absence.

37. Declarations of Interests

No declarations of interest were received.

38. 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.

39. Consideration of Suitability of new Public Carriage Driver Licence

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:

Tania Jardim – Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Michelle Cutler – Democratic Services Officer and Clerk to the Sub-Committee

The Driver was also in attendance.

The Licensing Officer 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 Hackney Carriage and/or 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 at Agenda Item 5 and the verbal submissions of Tania Jardim, Licensing Officer, BCP Council and the Applicant, together with all responses to the questions asked of both parties, the Sub-Committee is satisfied that, the Applicant is a 'fit and proper' person to hold a Public Carriage Driver's Licence.

However, the Sub-Committee has concerns regarding the Applicant's understanding of the responsibilities of a taxi driver and wish to remind the Applicant that in future, all convictions must be disclosed.

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 10th November 2021.

Reason for the Decision

The Sub-Committee wish to remind the Applicant that failing to report a conviction is a serious matter, however, the Sub-Committee feel that the Applicant's failure to disclose, when applying for a Public Carriage Driver's Licence was a genuine mistake and is therefore prepared to give him the benefit of the doubt.

The Sub-Committee is minded to depart from the general position, as set out in the BCP Private Hire and Hackney Carriage Drivers Policy, on this occasion due to believing the offence was unintentional and arrived from the Applicant's lack of knowledge, however, a strict warning is being issued to the Applicant that it is imperative that he understands the importance of declaring all convictions in future, as convictions as a taxi driver are never considered to be spent.

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

40. **Review of Private Hire Driver Licence**

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:

Tania Jardim – Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Michelle Cutler – Democratic Services Officer and Clerk to the Sub-Committee

The Driver was also in attendance.

The Licensing Officer 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 continue to hold a Hackney Carriage/Private Hire Driver's Licence and Vehicles 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 at Agenda Item 6 and the verbal submissions of Tania Jardim, Licensing Officer, BCP Council and the Driver, together with all responses to the questions asked of both parties, the Sub-Committee is satisfied that the Driver remains a 'fit and proper' person to continue to hold a Private Hire Driver's Licence.

However, the Sub-Committee has serious concerns regarding the Driver's understanding of the required maintenance of his vehicle and driver conduct requirements. The Sub-Committee was not minded to revoke the licence or apply a period of suspension but resolved to issue the Driver a strict warning in the form of a written caution, in order to remind him of the seriousness of the matter brought before them and to remind him of his responsibilities and role as a taxi driver for BCP Council. The written caution is to permanently remain on record.

In reaching its decision the Sub-Committee took into consideration the written documents and information contained in Agenda Item 6; the BCP Council Hackney Carriage and Private Hire Driver Policy, the BCP Council Hackney Carriage and Private Hire Vehicle 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 10th November 2021.

Reason for the Decision

The Sub-Committee has concerns over the Driver's understanding of his responsibilities as a taxi driver.

The Sub-Committee wishes to remind the Driver of his responsibilities as a Private Hire Driver and the duty of care he has regarding public safety. Licensees are expected to demonstrate appropriate professional conduct at all times, Licensees are also expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

The Sub-Committee wish to remind the Driver that his licensed vehicle must be maintained to a high standard at all times and that it is his duty to ensure that his licensed vehicle is roadworthy between annual advanced mechanical examinations.

**There is no right of appeal against this decision.
Voting - Unanimous**

The meeting ended at 12.35 pm

CHAIRMAN