

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 25 November 2021 at 10.00 am

Present: Cllr S C Anderson, D Brown, J Butt.

1. Election of Chairman

RESOLVED that Cllr J Butt be elected Chair of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

2. Apologies

Following the publication of the agenda, Councillor J Bagwell submitted apologies for this meeting and Councillor D Brown, as first reserve, assumed the role as a Licensing Sub-Committee member.

There were no other apologies for absence.

3. Declarations of Interests

There were no declarations of interest.

4. 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.

5. Consideration of Suitability of new Hackney Carriage and/or Private Hire Driver's 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 Chair 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
Johanne McNamara – Legal Advisor to the Sub-Committee
Joseph Tyler – Democratic Services Officer and Clerk to the Sub-Committee

The Driver and his companion 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 and Hackney Carriage 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 Driver, together with all responses to the questions asked of both parties, the Sub-Committee agreed that the Driver was not a 'fit and proper' person to continue to hold a Hackney Carriage and Private Hire Driver's Licence.

In making their decision, the Sub-Committee noted the applicant's number of convictions, in particular those that had occurred during their role as a taxi driver. The Sub-Committee also took into consideration that the applicant had failed to adhere to the taxi driver terms and conditions by failing to notify the Licensing Authority of their arrests and convictions. Members noted the applicant's dishonesty in the completion of relevant forms and documentations, specifically the taxi licence renewal form in 2017 where the applicant had failed to declare their convictions. The Sub-Committee did acknowledge that the applicant had undertaken an anger-management course and had made progress through his other employment, however they were not convinced that this was sufficient evidence of the applicant being a 'fit and proper person' to hold a licence.

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 25 November 2021.

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

6. Review of a Hackney Carriage/Private Hire Driver's Licence and Vehicles 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 Chair 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:

Wesley Freeman – Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

Joseph Tyler – 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 Driver was a 'fit and proper' person to hold a Private Hire and Hackney Carriage 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 6 and the verbal submissions of Wesley Freeman, Licensing Officer, BCP Council and the Driver, together with all responses to the questions asked of both parties, the Sub-Committee agreed that the Driver remained a 'fit and proper' person to continue to hold a Hackney Carriage and Private Hire Driver's Licence.

In making their decision, the Sub-Committee noted the Driver had shown honesty and remorse, taking action by removing himself from the situation in his personal life that had caused the issues with his licence. Furthermore, the Sub-Committee acknowledged that there had been no complaints or reported incidents from any passengers or members of the public.

The Sub-Committee did have concerns about the Driver's failure to notify the Licensing Authority of his arrests and conviction as well as the nature of a specific conviction dated February 2021. Therefore, the Sub-Committee resolved to issue the Driver with a strict warning in the form of a written caution regarding his conduct and the failure to notify the Licensing Authority of his conviction, as required within the Taxi Policy and Licenses.

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 25 November 2021

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 12.00 pm

CHAIRMAN