

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 14 September 2022 at 10.00 am

Present: Cllr S C Anderson, Cllr J J Butt and Cllr D Kelsey

58. Election of Chair

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

Voting: Unanimous

59. Apologies

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

60. Declarations of Interests

There were no declarations of interest.

61. 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.

62. Protocol for Public Speaking at Meetings

The Protocol for Public Speaking at Meetings was noted.

63. 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 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:

Wesley Freeman – Licensing Officer

Mary Almeida – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

The Applicant was 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 'A' to these Minutes in the Minute Book.

The Licensing Sub-Committee was 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.

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, the Sub-Committee have decided that the applicant is a not a 'fit and proper' person to hold a Private Hire Drivers and Hackney Carriage Drivers Licence at this time.

In reaching its decision the Sub-Committee also gave due 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.

Reason for the Decision

The guidance issued by the Institute of Licensing 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades'

States at section 4.39 that :-

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. However, subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted a licence or retain a licence.

In addition, section 4.45 of the guidance states *that where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.*

The Sub-Committee agreed that the applicant displayed a pattern of unsafe and incompetent driving, which was unsuitable for a professional licensed driver.

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 10.50 am

CHAIRMAN

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