

LICENSING COMMITTEE

A meeting of the Licensing Committee was held on 23 June 2004.

PRESENT: Councillor B Taylor (Chair); Councillors Cole, Mawston, Porley, Rogers, P Thompson and A E Ward.

OFFICIALS: M Braithwaite, J Hodgson, P Ross and J Thompson.

**** APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors J Jones, J A Jones and Regan.

**** DECLARATIONS OF INTEREST**

There were no Declarations of Interest at this point of the meeting.

**** EXCLUSION – PRESS – PUBLIC**

ORDERED that the press and public be excluded from the meeting for the following three Agenda items on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 4 and 7 of Schedule 12A of the Local Government Act 1972.

REVIEW - PRIVATE HIRE OPERATOR LICENCE NO. 2 – REF NO. 29/04

The Head of Community Protection Service submitted an exempt report in connection with a review of Private Hire Operator Licence No.2, Ref: 29/04, where circumstances had arisen which required special consideration by the Committee. The Chair outlined the procedure to be followed during the meeting.

The Principal Licensing Officer presented the report which set out the circumstances of the case. The report detailed information in connection with 8 sets of convictions during the period April 2002 to June 2004, together with information regarding 2 further outstanding matters. The first matter related to breaches of Private Hire and Passenger Carrying Vehicle licensing legislation committed since the grant of the current operator licence on 10 February 2003, and the second, the failure to return a combined Hackney Carriage & Private Hire Driver identification badge revoked by the Committee on 2 February 2004. Details of numerous complaints associated with the operators business and a schedule detailing a further 6 sets of convictions pertaining to the Private Hire operation and business were also presented.

The operator had received a copy of the report and had been invited to attend the meeting to present his views/answer questions. The review initially scheduled for 14 June 2004 had been deferred to allow the operator to seek legal representation. The operator who was present at the meeting indicated that he would not now be legally represented but was accompanied by a relative. He confirmed the accuracy of the report stating that he disputed some of the aspects relating to parking problems.

Prior to presenting his case the operator circulated a letter drawing attention to what he considered were mitigating circumstances in relation to the speeding convictions and issues relating to the management of the business. The operator then answered questions in regard to those issues, and specifically in connection with:

- alleged use of abusive language to a Council officer and the Council's legal advisor;
- failure to return a PHD Identification badge;
- failure to submit his booking records for inspection;
- failure to attend for interview with licensing staff;
- failure to submit details of the lease agreement for the premises and
- his personal duties and responsibilities in regard to the management of the business

The operator's relative was also invited to speak in support of the case.

The Chair asked the operator to confirm whether there were any further convictions or matters which he wished to draw to the Committee's attention. In response the operator referred to the matters concerning the use of an unlicensed mini bus which had been driven by an unlicensed driver on 7 November 2003. This matter was due to be heard by the Magistrates Court on 28 June 2004. A further matter which had previously been before the Committee on 20 May (Ref 23/04) in connection with use of a licensed private hire vehicle by an unlicensed driver was also raised.

The operator acknowledged that there had been problems in managing the business but for the past 5/6 months the business had been operating well as he had now taken personal charge of various aspects of day to day operations. It was cited that over a period of several months there had been numerous incidents of vandalism caused to vehicles used by the business causing damage totalling £12,000 and which he felt were deliberate attacks by other competitors.

It was confirmed that there were no further questions and the applicant, his relative and officers of the Council, other than representatives of the Council's Legal Services and Members' Office, withdrew whilst the Committee determined the application.

Subsequently, all interested parties returned and the Chair announced the Committee's decision.

ORDERED that Private Hire Operator Licence No. 2 be revoked on the following grounds:

That the operator is not considered to be a fit and proper person to hold the licence for the following reasons:

- his appalling record of licensing convictions;
- his disregard for the Council's Licensing Department;
- his failure to respond and co-operate in relation to Council correspondence;
- his failure to attend for interviews;
- his failure to attend Committee in the past and
- The fact that he had put the Public at risk by employing drivers who were unlicensed and therefore uninsured.