

FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing Panel

(to be confirmed at the next meeting)

Date: Wednesday, 2 August 2023

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor Pamela Bryant (Chairman)

Councillors: M J Ford, JP and Mrs K K Trott



1. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that the public and representatives of the press be excluded from the meeting in accordance with Section 100(A) of the Local Government Act 1972 on the grounds that the matters to be dealt with involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12 of The Act.

2. APPLICATION(S) FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVING LICENCE(S)

The Panel considered a report by the Licensing Officer which contained exempt information in respect of a private hire vehicle driving licence application. A copy of the report was circulated to members of the Panel with the agenda in advance of the meeting.

The Licensing Officer presented the circumstances of the case, as supported by the documentary evidence. There were no questions or points for clarification raised by the Applicant or Members of the Panel.

The Applicant presented the circumstances of his case as detailed in the documentary evidence and answered questions thereon from Members of the Panel and the Legal Adviser.

The Applicant was invited to make a closing statement in respect of his application and did so accordingly.

The Legal Adviser gave advice to the Panel in respect of the Licensing Policy and highlighted that if Members were minded to grant the licence outside of policy there must be good reason to do so. The Legal Adviser further advised that personal circumstances of an applicant cannot be taken into account in determining whether to grant a licence.

The Licensing Officer and the Applicant left the room whilst the Panel considered its decision in private.

Following the Panel's deliberations, the Licensing Officer and the Applicant returned to the hearing to hear the Chairman announce the Panel's Decision as follows:

The Panel has considered very carefully the report of the Licensing Officer, all of the supporting evidence received prior to the hearing and all of the evidence presented today.

The Panel has given due regard to the Local Government (Miscellaneous Provisions) Act 1976 "the Act" and Department for Transport Standards relating to the application of the "fit and proper person" test and other considerations of character. The Human Rights Act, the Crime and Disorder Act, 1998 and the Equality Act 2010, have been borne in mind whilst making the decision.

The Panel has also considered the taxi Licensing policy and in particular the Guidance on Determining the Suitability of Applicants in the Hackney Carriage and Private Hire Trades.

The Panel received legal advice regarding the taxi licensing policy and that personal circumstances, including financial implications, could not be taken into account.

The Applicant attended the hearing before the Panel and reiterated his written statement which was contained in the pack. He also provided additional information regarding the offences on being questioned. The Applicant pleaded not guilty as he believed he had been tricked but accepted the court outcome.

The Panel has considered all the facts but were not persuaded to deviate from policy and have decided that the driver is not a fit and proper person in accordance with the Act. Therefore, the Applicant's renewal application should be rejected.

Reasons for Decision

The Council's policy includes Guidance on Determining the Suitability of Applicants in the Hackney Carriage and Private Hire Trades which deals with convictions. As it relates to this particular case the policy states:

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

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.

These offences took place just over a year ago, they were dealt with at court a matter of weeks ago. The offences all relate to operating as a taxi driver. The explanations provided by the Applicant were not persuasive.

In all the circumstances of this case the Panel was not persuaded that there were good enough reasons to depart from policy and guidance to allow them to grant the licence.

There is a statutory right of appeal to the Magistrate's Court of the decision which must be made within 21 days of formal notice.

RESOLVED that the Licensing Panel considers that the Applicant is not a fit and proper person to hold a private hire vehicle driving licence and that licence therefore not be granted.

(The meeting started at 10.04 am
and ended at 11.45 am).