

FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing Panel

(to be confirmed at the next meeting)

Date: Tuesday, 2 July 2024

Venue: Vannes Room - Civic Offices

PRESENT:

Councillor Pamela Bryant (Chairman)

Councillors: Mrs S M Bayford and Mrs P K Hayre



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. HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVING LICENCES

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

Case 1 – Mr A

The Licensing Officer presented the circumstances of the case, as supported by the documentary evidence. At the request of the Legal Adviser, details of the offence and the length of the ban were clarified.

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 Chairman invited the Applicant to make a closing statement in respect of his case and he did so accordingly.

Following the submission of the Applicant's closing statement, the Licensing Officer and the Applicant withdrew from the hearing whilst the Panel considered its decision in private.

Following the Panel's deliberations, the Licensing Officer and the Applicant returned to the hearing whereupon the Chairman announced the Panel's decision as follows:

LICENSING PANEL
DECISION OF THE MEETING HELD ON 02 JULY 2024
PRIVATE HIRE TAXI DRIVER'S LICENCE
Case 1

The Panel has considered very carefully the report of the Licensing Officer and all the evidence presented today.

It has given due regard to the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") and the guidelines relating to the application of the "fit and proper person" test and other considerations of character. The Human Rights Act has been borne in mind whilst making the decision.

The Applicant attended the hearing and with the permission of the Chair addressed the Panel. Clarification was provided regarding the offence and the length of his ban.

The Panel considered all the facts and has decided that the Applicant is a fit and proper person in accordance with the Act and therefore his private hire taxi drivers' licence application is approved. The reasons for this decision are outlined as follows:

Reasons for Decision

The Licensing Officer addressed the Panel highlighting the circumstances of the application. The Panel was referred to the Taxi Policy and guidance around the fit and proper test as it relates to convictions, complaints, and patterns of behaviour.

Whilst the Panel were concerned about the previous conviction resulting in a lengthy ban it was satisfied with the explanation given by The Applicant. The policy around driving convictions provides that a driver should be conviction free for at least 7 years post-conviction and/or the ending of a ban. That period in this case ended on 29th June 2024. On that basis granting a licence was within policy.

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 a fit and proper person to hold a private hire taxi driver's licence and that the licence therefore be granted.

Case 2 – Mr MA

The Licence Holder was accompanied to the meeting by a friend to aid with his understanding of some of the more complex discussion that may arise at the hearing.

The Licensing Officer presented the circumstances of the case, as supported by the documentary evidence. An additional written statement was provided by the Licence Holder and circulated to all participants at the hearing.

The Licence Holder 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 Chairman invited the Licence Holder to make a closing statement in respect of his case and he did so accordingly.

Following the submission of the Licence Holder's closing statement, the Licensing Officer, the Licence Holder and the Licence Holder's friend withdrew from the hearing whilst the Panel considered its decision in private.

Following the Panel's deliberations, the Licensing Officer, the Licence Holder and the Licence Holder's friend returned to the hearing whereupon the Chairman announced the Panel's decision as follows:

LICENSING PANEL
DECISION OF THE MEETING HELD ON 02 JULY 2024
PRIVATE HIRE TAXI DRIVER'S LICENCE
Case 2

The Panel has considered very carefully the report of the Licensing Officer and all the evidence presented today.

It has given due regard to the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") and the guidelines relating to the application of the "fit and proper person" test and other considerations of character. The Human Rights Act has been borne in mind whilst making the decision.

The Licence Holder attended the hearing with his friend Mr A and with the permission of the Chair addressed the Panel. Some clarification was provided regarding the offences from 2022 and 2019.

The Panel considered all the facts and has decided that the Licence Holder is not a fit and proper person in accordance with the Act and therefore his private hire taxi drivers' licence is revoked. Additionally, the Panel considered that the interests of public safety require the revocation to be with immediate effect as there was a conviction for driving without insurance. The reasons for this decision are outlined as follows:

Reasons for Decision

The Licensing Officer addressed the Panel highlighting the circumstances of the application. The Panel was referred to the Taxi Policy and guidance around the fit and proper test as it relates to convictions, complaints, and patterns of behaviour. The Panel was reminded that the livelihood of the licence holder was not a factor in the fit and proper test.

The Panel noted that the offences in Reading were a repeat of offences in Southampton previously. This demonstrated a pattern of behaviour. The Panel were very concerned that the Licence Holder, despite having been convicted twice, seemed to think he had done nothing wrong.

The policy around driving convictions involving a private hire vehicle provides that a driver should be conviction free for at least 7 years post-conviction. The Licence Holder was first convicted in 2020 and therefore would not have been licensed by Fareham had he disclosed that conviction. The Reading conviction was dated 17th June 2024 and therefore according to policy, the Licence Holder should not hold a licence until at least 17th June 2031. On that basis, allowing the Licence Holder to retain his licence would be outside policy. The Panel did not hear any evidence which would allow them to make a decision outside policy and therefore the decision was made to revoke the licence.

The Panel decided that as the Licence Holder had a conviction for driving without insurance the interests of public safety require the revocation to be with immediate effect.

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 does not consider the Licence Holder to be a fit and proper person to hold private hire taxi driver's licence and that the licence therefore be revoked with immediate effect.

(The meeting started at 10.00 am
and ended at 12.15 pm).

..... Chairman

..... Date