

# FAREHAM

BOROUGH COUNCIL

## Minutes of the Licensing Panel

(to be confirmed at the next meeting)

**Date:** Wednesday, 18 December 2024

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

Councillor Pamela Bryant (Chairman)

**Councillors:** I J Bastable and G Furnivall



## 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 hackney carriage/private hire vehicle driving licences. A copy of the report was circulated to all parties in advance of the meeting.

### Case 1 – Mr S

As the Applicant was unable to attend the hearing in person, the Chairman agreed that the case be postponed to the hearing scheduled to take place on 26 February 2025.

### Case 2 – Mr H

At the invitation of the Chairman, the Licensing Officer presented the circumstances of the case, as supported by the documentary evidence and as outlined in the report. There were no comments or questions for clarification.

The Applicant was invited to present the circumstances of his case and did so accordingly. He also answered questions from Members of the Panel and the Legal Adviser thereon.

The Applicant made a closing statement in support of his case and as a result the Licensing Officer answered questions for clarification from Members of the Panel.

At the recommendation of the Legal Adviser, the Panel sought clarification from the Applicant regarding the non-disclosure of a licence held with another Authority.

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

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

### LICENSING PANEL

### DECISION OF THE MEETING HELD ON 18 DECEMBER 2024

### PRIVATE HIRE TAXI DRIVER'S LICENCE

### MR H

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 Council policy and 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.

Mr H attended the hearing and with the permission of the Chairman addressed the Panel. Clarification was provided regarding the plying for hire offence and his speeding offence.

The Panel considered all the facts and has decided that Mr H is not a fit and proper person in accordance with the Act and therefore his private hire taxi drivers’ licence application is rejected. 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 noted that Mr H had failed to disclose his conviction for plying for hire on his application form and also failed to disclose he had been licensed by South Oxfordshire. Whatever the reason for this it is a serious omission particularly where it relates to a conviction directly related to the role of a private hire driver. At best it demonstrates a serious lack of understanding around the licensing regime and its requirements.

The speeding offence alone would not have prevented the application from proceeding but the offence of plying for hire is one that goes against the fundamental basis of taxi licensing. Guidance previously stated that a period of at least 7 years should elapse before a licence should be granted for a conviction of this nature. The latest guidance states that serious consideration should be given as to whether an applicant can be regarded as safe and suitable to hold a licence.

In all those circumstances and with the safety of the public as the Panel’s primary concern, it does not feel able to allow this application at this time.

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 Panel does not consider the Applicant to be a fit and proper person to hold a private hire vehicle driving licence and that the licence therefore be refused.

#### **Case 3 – Ms M**

At the invitation of the Chairman, the Licensing Officer presented the circumstances of the case, as supported by the documentary evidence and as outlined in the report. There were no comments or questions for clarification.

The Applicant was invited to present the circumstances of her case and did so accordingly. She also answered questions from Members of the Panel and the Licensing Officer thereon.

The Applicant was invited to make a closing statement in support of her case and did so accordingly.

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

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

**LICENSING PANEL**  
**DECISION OF THE MEETING HELD ON 18 DECEMBER 2024**  
**PRIVATE HIRE TAXI DRIVER'S LICENCE**  
**Ms M**

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 Council policy and 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.

Ms M attended the hearing and with the permission of the Chairman addressed the Panel. Clarification was provided regarding the offence of driving without insurance.

The Panel considered all the facts and has decided that Ms M is a fit and proper person in accordance with the Act and therefore her 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 being as it was for driving without insurance, the Panel was satisfied with the explanation given by Ms M. It accepted that she was at the time in a very stressful situation. The policy and guidance expects the Panel to

consider offences leading to endorsements. The Panel has done so and for the reasons given is satisfied that this application can be approved.

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 Panel considered that the Applicant is a fit and proper person to hold a private hire vehicle driving licence and that the licence therefore be granted.

(The meeting started at 10.06 am  
and ended at 12.05 pm).

..... Chairman

..... Date