

Licensing Sub-Committee – Meeting held on Wednesday, 25th November, 2015.

Present:- Councillors Davis (Chair), Shah and Wright

Officers Present:- Teresa Clark, Senior Democratic Services Officer, Neil Fraser, Democratic Services Officer, Mick Sims, Licensing Manager, Alison Peters and David Graham, Legal Advisors.

Apologies for Absence:- None.

PART 1

8. Declarations of Interest

None.

9. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

10. Minutes of the Last Meeting held on 22nd October, 2015

Resolved - That the minutes of the last meeting, held on 22nd October 2015, be approved as a correct record.

11. Exclusion of the Press and Public

Resolved – That the press and public be excluded from the remainder of the meeting as the items to be considered contained exempt information relating to individuals as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).

12. Private Hire Driver and Operator Conduct Hearing- (Reference 01-15)

The Following is a Part 1 summary of the case:

The Licensing Sub-Committee was asked to consider whether Applicant (Reference 01-15) was a fit and proper person to continue to hold a Private Hire Operator's licence and/or a Private Hire Driver's licence in Slough. The Appellant attended the hearing.

The Licensing Officer summarised the background to the case and discussed the relevant Policy and Legislative considerations. He advised Members that the Sub-Committee could only allow an Applicant to hold the aforementioned licences if it was satisfied that the applicant was a 'fit and proper' person to do so.

Licensing Sub-Committee - 25.11.15

The Sub-Committee was advised that in November 2014, Slough Borough Council Licensing Officers were taking part in a planned joint enforcement exercise in conjunction with the Metropolitan Police's Cab Enforcement team at Heathrow Airport. The Applicant was observed exiting a vehicle, along with a passenger who was in the rear of the vehicle.

Following investigation, the Appellant was found to have used an unlicensed hire vehicle for transporting a member of the public who had paid £60 and booked the journey through a company on-line. When questioned about the incident the driver had stated that the passenger was a friend. The passenger advised the Police Officer that she did not know the driver. The driver then conceded that a Private Hire journey had been undertaken in the private hire vehicle as the usual licensed vehicle was currently 'off the road'.

The Appellant was subsequently convicted in April 2015 of 'using an unlicensed private hire vehicle' and of 'using a vehicle uninsured for Hire and Reward' in November 2014, contrary to section 46 (1)e (i) of the Local Government (Miscellaneous Provisions) Act 1976. The Appellant pleaded guilty to the charges.

The Sub-Committee was advised that, when submitting an application to renew the Private Hire Operator's licence in March 2015, the Appellant had failed to declare details of the outstanding summons or charges pending. In addition, when submitting an application to renew the Private Hire Driver and Vehicle licences in May 2015, the Appellant had failed to declare the conviction for using an unlicensed Private Hire vehicle in April 2015.

The Licensing Officer submitted that, in light of the above convictions and the Appellant's failure to notify the Licensing Office of these convictions, the Appellant was not deemed a fit and proper person to hold a Private Hire Operator's Licence or a Private Hire Driver's Licence in Slough, and it was recommended that both licences be revoked.

The Appellant presented evidence to the Sub-Committee in mitigation.

The Sub-Committee adjourned to reach its decision and carefully considered the evidence. Members were concerned about what the offences showed about the Appellant's honesty, the ability to take responsibility as a driver, and about whether passengers would be safe in the driver's vehicle.

The Sub-Committee decided that the Appellant was not a fit and proper person to continue to hold a Private Hire Operator's Licence or a Private Hire Driver's licence in Slough, and decided that the licences be revoked.

Resolved - That the Private Hire Operator Licence (ref 01-15), and Private Hire Driver's licence (ref 01-15), be revoked).

Chair

(Note: The Meeting opened at 10.15 am and closed at 1.25 pm)