

Licensing Sub-Committee – Meeting held on Thursday, 12th March, 2020.

Present:- Councillors S Parmar (Chair), Chaudhry and Strutton

Officers Present:- Mrs Kauser (Democratic Services), Mr Lucas (Legal Services) and Mr Sims (Licensing)

PART 1

18. Declarations of Interest

None were received.

19. Guidance on Predetermination/ Predisposition - To Note

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

20. Minutes of the Last Meeting held on 9th January 2020

Resolved – That the minutes of the meeting held on 9th January 2020 be approved as a correct record.

21. Exclusion of the Press and Public

Resolved – That the press and public be excluded from the remainder of the meeting as the item 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)

22. Private Hire Driver Conduct Hearing (Appellant Reference 04-19)

The Senior Democratic Services Officer informed Members that the Appellant had requested an adjournment; submitting that his legal representative was currently in hospital.

The Sub-Committee decided that in order to ensure that the Appellant had the opportunity of a fair hearing with representation, the Private Hire Driver Conduct hearing be adjourned on this occasion. In doing so, the Sub-Committee placed on record that documentary evidence be submitted at the re-scheduled hearing confirming the Appellant's request for an adjournment.

Resolved – That the Private Hire Driver Conduct hearing 04-19 be adjourned.

23. Dual Private Hire/Hackney Carriage Driver Licence and Private Hire Driver Vehicle Licence Application Hearing (Appellant Reference 05-19)

The Chair welcomed all parties to the meeting, noting that an independent translator was present to assist Appellant 05-19 during the hearing. The

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procedure for the hearing was outlined and the Appellant confirmed that he had received a copy of the paperwork.

The Licensing Manager stated that in January 2019 applications for a dual private hire and hackney carriage driver licence and private hire driver vehicle licence were submitted by the Appellant. Upon examination of the forms, it was suspected that the same handwriting had been used to complete the declaration required by an operator. The forms were forensically tested, which concluded that there was a strong possibility that the same handwriting had been used. In addition, the Licensing Manager had contacted the operator whom it was alleged had completed the form and this individual confirmed that he had ceased operating as an operator in 2017 and that he had not signed the application forms.

Members asked a number of questions and the Licensing Manager confirmed that applicants were responsible for ensuring that application forms were properly completed.

The relevant policy and legislative framework was outlined and Members attention was specifically drawn to the fact that they were considering the matter on a balance of probabilities and not on a criminal burden of proof.

The Appellant submitted three letters to the Sub-Committee – two character references and one outlining his explanation of events. He explained that he had taken the relevant paperwork to the premises where the operator traded from and that it was returned to him completed. He was not aware that that particular operator had ceased trading. The Appellant stated that he had worked as a driver for a number of years.

The Licensing Manager asked whether the Appellant had worked with a single operator during his employment as a private hire driver. The Appellant stated that he had been employed with a couple of companies during this time. The Licensing Manager highlighted that the Appellant should therefore have been familiar with the process of getting the application forms properly completed by the operator.

Following a short summary by the Licensing Manager and Appellant, all parties were asked to leave the meeting.

Members considered each application - dual driver's licence and vehicle licence - on its own merits.

Resolved -

- a) That Appellant 05-19 not be granted a private hire vehicle licence.
- b) That Appellant 05-19 not be granted a dual private hire and hackney carriage driver licence.

Chair

(Note: The Meeting opened at 10.30 am and closed at 12.20 pm)