

Licensing Sub-Committee – Meeting held on Wednesday, 20th January, 2016.

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

PART 1

13. Declarations of Interest

None.

14. Guidance on Predetermination/ Predisposition - To Note

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

15. Minutes of the Last Meeting held on 25th November, 2015

Resolved - That the minutes of the meeting held on 25th November, 2015, be approved as a correct record.

16. Premises Licence Review- Skyways Hotel, 19-21 London Rd, Slough, Berkshire SL3 7RL

The Sub-Committee considered a review of the Premises Licence for Skyways Hotel, requested by Thames Valley Police under section 51 of the Licensing Act 2003.

Mr Sims, Licensing Manager, advised the Sub-Committee that on 15th January 2016, he received a notification from the law firm representing Skyways Hotel confirming that the Licensee had surrendered the premises licence in respect of Skyways Hotel. It was highlighted that the surrender related to the hotel part of the premises and that a new Licensee had obtained a new premises licence for the restaurant.

Ms Debie Pearmain, Thames Valley Police, had indicated that following the surrender of the licence, she had no objection to the hearing being dispensed with. Mr Sims therefore recommended that the Sub-Committee dispense with the premises licence review hearing on the grounds that it was no longer necessary.

Resolved - That the premises licence review for Skyways Hotel, 19-21, London Road, Slough, be dispensed with.

17. 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

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Part I of Schedule 12A to the Local Government Act 1972 (as amended).

18. Private Hire Driver and Operator Conduct Hearing- (Reference 04-15)

The Following is a Part 1 summary of the case:

The Licensing Sub-Committee was asked to consider whether Applicant (Reference 04-15) was a fit and proper person to continue to hold a Private Hire Driver's licence and Private Hire Operator's licence in Slough. The Appellant attended the hearing.

The Licensing Manager 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.

The Sub-Committee was advised that in November 2014, Slough Borough Council Licensing Officers were taking part in a Taxi Tout Squad Operation exercise in conjunction with the Metropolitan Police and Public Carriage Office at Heathrow Airport. The Appellant was observed dropping a passenger at Heathrow Terminal 5. It was confirmed at the time that the vehicle used was not registered with the Traffic Commissioner.

The passenger had been picked up from a hotel in Slough and the Appellant confirmed that his licensed vehicle had not started that morning so he had used a replacement vehicle. The Appellant stated that the vehicle in question was normally only used for transporting his family members.

On 10th December 2014, a member of the Licensing Team wrote to the appellant advising that he was being reported for using an unlicensed vehicle and reminding him that he must notify the Licensing Team within 7 days of any convictions, cautions, or motoring offences.

The Appellant was subsequently convicted in May 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 Sub-Committee was advised that, when submitting an application to renew the Private Hire Operator's licence in September 2015, the Appellant failed to declare his conviction for using an unlicensed vehicle. The Licensing Team were later notified of the conviction by the Metropolitan Police, via email.

The Licensing Officer submitted that, in light of the above conviction and the Appellant's failure to notify the Licensing Office of this conviction, the Appellant was not deemed a fit and proper person to hold a Private Hire

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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 Driver's licence in Slough, and decided that the licence be revoked.

With respect to the Private Hire Operator's Licence, the Sub-Committee decided that the Appellant should be issued a strict formal warning as to his future responsibilities and conduct as a Private Hire operator.

Resolved - (a) That the Private Hire Driver's Licence (ref 04-15) be revoked.
(b) That a formal warning be issued in respect of the Appellant's Private Hire Operator's Licence.

Chair

(Note: The Meeting opened at 10.00 am and closed at 11.45 am)