

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Monday, 5 August 2013 at 10.00 am.

Present:

Chairman: Councillor B W Butcher

Councillors: J M Smith
R J Thompson

Also Present: Mr L Burt (Minute No 146 only)
Mr K Mohamad (Minute No 146 only)
Mr A J Saleh (Minute No 146 only)
Licence Holder (Minute No 146 only)

Officers: Acting Licensing Team Leader
Senior Solicitor
Community Safety, Parking and CCTV Manager
Team Leader – Democratic Support

141 APOLOGIES

Apologies for absence were received from Councillors P S Le Chevalier and S C Manion.

142 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

143 DECLARATION OF INTEREST

There were no declarations of interest from Members.

144 MINUTES

The Minutes of the meeting of the Committee held on 13 June 2013 were approved as a correct record and signed by the Chairman.

145 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor R J Thompson, duly seconded and:

RESOLVED: That, under Section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of business on the grounds that the item to be considered involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

146 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR RENEWAL OF A JOINT DRIVER'S LICENCE

The Committee considered the report of the Acting Licensing Team Leader on an application for the renewal of a Joint Hackney Carriage/Private Hire Drivers Licence where 3 complaints had been made in the last year against the licence holder, one

of which involved an incident that resulted in a police caution for common assault, that was relevant to the applicant's suitability as a fit and proper person to hold a licence.

The Council's policy on the suitability of a driver as a fit and proper person states that a police caution for violence, dishonesty and drug related offences should generally prevent the granting of a licence for a minimum period of two years and a caution for all other cases should prevent the granting of a licence for a minimum period of 12 months.

The Acting Licensing Team Leader called upon a witness to provide an account of one of the complaints made about the licence holder.

In accordance with the approved procedure, the applicant was given the opportunity to present evidence concerning the circumstances surrounding the 3 complaints and the police caution. The applicant called upon two witnesses to speak to his good character and suitability as a fit and proper person.

The Committee found as fact that the incident relating to the caution be proven but on the balance of probabilities, did not find the other two complaints to be proven as a matter of evidence.

RESOLVED: That, notwithstanding the Council's policy guidelines relating to police cautions and upon a detailed consideration of the circumstances leading to the applicant's caution, the application for the renewal of a Joint Hackney Carriage/Private Hire Driver's Licence be granted for a period of 6 months on the basis that the Committee were satisfied that the applicant remained a fit and proper person to hold a licence. The Acting Licensing Team Leader shall be authorised to renew the licence for a further 6 months if there are no further incidents or complaints involving the applicant.

The meeting ended at 11.12pm.