

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Licensing Committee held on
Thursday, 20 September 2012 at 2.00 p.m.

PRESENT: Councillor Alex Riley – Chairman
Councillor Raymond Matthews – Vice-Chairman

Councillors: Val Barrett Mervyn Loynes
Cicely Murfitt

Officers: Maggie Jennings Democratic Services Officer
Myles Bebbington Licensing Officer
Tara King Licensing Administration Officer
David Lord Senior Lawyer

Apologies for absence were received from Councillor Hales; Councillor Val Barrett was in attendance as his substitute.

8. DECLARATIONS OF INTEREST

None.

9. EXCLUSION OF PRESS AND PUBLIC

It was unanimously agreed to exclude the press and public from the meeting.

10. DETERMINATION OF PRIVATE HIRE DRIVER'S LICENCE FOLLOWING CONVICTION

BACKGROUND

Mr B is a licensed private hire driver with South Cambridgeshire District Council. The licence is issued with conditions that state, *inter alia*:-

“As a South Cambridgeshire Private Hire or Hackney Carriage Driver you are NOT permitted to ply for hire in the Cambridge City Boundary or at any of the taxi ranks within that area, which includes the Railway Station.”

“Any licensed driver shall within seven days disclose to the Licensing Officer in writing details of any conviction arising from Court Action imposed on him during the period of the licence.”

“Failure to comply with any conditions may result in the Council suspending, revoking or refusing to renew the licence and, in certain circumstances, prosecution.”

Plying for Hire without the relevant licence is a criminal offence under section 45 of the Town Police Clauses Act 1847.

Following an operation undertaken by officers from Cambridge City Council and the police, Mr B was convicted at Cambridge Magistrates Court on 5 July 2012 for the following offences:

1. Plying for hire with a vehicle and proceeding to drive the vehicle, without having previously obtained a Hackney Carriage Vehicle Licence for the vehicle, contrary to section 45 of the Town Police Clauses Act 1847 – a summary offence (level 1) for which he received a fine of £250; and
2. Using a vehicle on a road without having in force in relation to the use of the vehicle such a policy of insurance or such a security in respect of third party risks that complied with the requirements of Part VI of the Road Traffic Act 1988, contrary to section 143(1) (a) of the Road Traffic Act 1988 – a summary offence for which he received six penalty points on his driving licence.

Both convictions have not been challenged.

It has fallen to this Committee to determine what action, if any, should be taken in the light of the above convictions and the breaches of conditions having regard to s.61 (1) of the Local Government (Miscellaneous Provisions) Act 1976, the officer's report and the representations made on behalf of Mr B (the licence-holder) by his wife.

REPRESENTATIONS

The Committee heard representations from Mr Bebbington based on his written report and noted that the first date in paragraph 6 of his report was incorrect and should read 1 February **2008**.

Mrs B, on behalf of Mr B handed in a bundle of papers for the Committee to read, including a GP's letter confirming the mother's medical condition; a letter of support from Panther Taxis Ltd; various court papers; details of his mortgage/insurance and letters from Cambridge University Hospital regarding treatment of his 3-year old son. She also made the following representations:

- (1) Mr B had thought that the Licensing Authority had already been notified of these convictions and did not therefore need to do so himself.
- (2) An explanation was given that Mr B had taken a passenger lawfully into Cambridge City Centre and dropped that person off when he was approached by a woman and man requesting a lift to the Travelodge. Given the lateness of the hour and the cold weather, he agreed for health and safety reasons.
- (3) Mr B supports a wife, a 3-year old child with a medical condition and an elderly mother in Bangladesh, any ban would seriously impact him and his family.

DECISION

The Committee found that Mr B had breached his licensing conditions by committing the two criminal offences and by not reporting the convictions to the Licensing Authority. However, Mr B's explanation as to why he did not notify the district council was accepted by the Committee. The Committee also accepted the evidence regarding the financial support Mr B gives to his family and of the financial impact any ban would have on him and his family.

The Committee has decided to **SUSPEND** Mr B's licence for a period of 14 days, such suspension to take effect from midnight 15 October 2012 until 23:59 hours on 29 October 2012.

Reasons:

The Committee decided that the breaches (involving criminal offending under s.45 Police Clauses Act 1847) were serious enough to warrant a suspension of Mr B's licence and that a deterrent to other licence-holders was necessary.

The Committee wishes to make it clear that it would have imposed a longer suspension but for Mr B's personal circumstances.

In accordance with s.54 of the Miscellaneous Provisions Act 1976, Mr B shall return to the district council the driver's badge issued to him.

Appeal Notice

The licence-holder maintains the right of appeal to a Magistrates' Court within 21 days from the date of service of this decision notice, (s.61 (3) Local Government (Miscellaneous Provisions) Act 1976).

Signed:
Alex Riley, Chairman of the Licensing Committee

Dated: 20 September 2012

The Meeting ended at 4.05 p.m.
