

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Licensing Committee held on
Friday, 25 April 2008 at 10.00am

PRESENT: Councillor Mrs CAED Murfitt – Vice-Chairman in the Chair

Councillors: EW Bullman Mrs JM Guest
RB Martlew NJ Scarr

Officers: Myles Bebbington Licensing Officer
Catriona Dunnnett Principal Solicitor
Ian Senior Democratic Services Officer

Apologies for absence were received from Councillors RE Barrett, Mrs PM Bear, R Hall, RM Matthews, DC McCraith and A Riley.

21. DECLARATIONS OF INTEREST

There were no declarations of interest.

22. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 26 March 2008.

23. EXCLUSION OF PRESS AND PUBLIC

The Committee **RESOLVED** that the press and public be excluded from the meeting during consideration of the following item in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 (as amended) (exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act).

24. APPLICATION FOR GRANT OF PRIVATE HIRE DRIVER'S LICENCE

The Committee considered an application for a private hire driver's licence.

In 2005, a previous application to South Cambridgeshire District Council had been refused. Since then, the Licensing Authority's policy in relation to driver's licences and relevancy of conditions had been revised. The Committee received evidence from the applicant and his current employer. The Committee

- noted the Council's current policy and the Licensing Officer's report
- received verbal submissions from the applicant and his employer in considering whether or not the applicant was a fit and proper person to hold a private hire driver's licence.
- Sought and received legal advice in relation to the application and the failure to comply with the Principal Solicitor's request that the applicant confirm, in writing, the reasons for his failure to attend the Council's previous hearing on this matter.

The Chairman explained the role of the Committee, which included consideration of public safety. She asked the Applicant why he had not attended the last hearing of this matter. He explained that he had been at a court in London in connection with a civil matter, namely an application by him asking the court to remove from the Licensing Officer's

report, and therefore from the consideration of Members, a copy of the court report relating to his earlier appeal against sentence. The applicant indicated that the judge had said that he could not interfere with the licensing authority proceedings but that the Judge would not allow the report on the appeal against sentence to be used in any appeal proceedings. The Principal Solicitor indicated that it was a matter for the Committee to give such weight to the explanation as they thought appropriate and that they should not attach significant weight to his failure to provide a written explanation, as a verbal explanation had been provided both to the Committee and the Principal Solicitor.

The applicant had an extensive criminal record as revealed on the enhanced report from the Criminal Records Bureau, obtained by the Licensing Officer in relation to the application. The Committee noted that, after conviction for aggravated burglary in 1997, the applicant had received a term of imprisonment of six years, which had been reduced, on appeal, to five years. He had been released in 2002 but, in 2004, had been convicted of obtaining pecuniary advantage by deception which he explained was as a consequence of him having driven a private hire vehicle without a licence for a period of six months in 2003. He received a 36 months conditional discharge.

The applicant made brief representations about his application and stated that he had been working as a contracted driver for the past five years under an exemption granted by the law. His employer confirmed this statement. The Committee noted that Section 75 of the Local Government (Miscellaneous Provisions) Act 1976 had been repealed in 2007 and that the applicant therefore needed a licence to be able to continue working as a driver. He stated that, should he not be successful in obtaining a licence, he would become unemployed and find it difficult to support his family.

The applicant's employer stated that the applicant was a good driver and that there had been no complaints about him. He reiterated that, if the applicant were not granted a licence, he would no longer be able to employ the applicant. He acknowledged the applicant's past history but indicated that the applicant was now a different person.

The Committee explored in some detail the issue of penalty points endorsed on the applicant's licence, as revealed by the CRB check.

The Licensing Officer, Applicant and applicant's employer then withdrew from the meeting room.

During careful and prolonged consideration of all the verbal and written evidence presented, the Committee received legal advice from the Principal Solicitor that the conditional discharge was 'a sentence' and about the application of the Licensing Authority's policy. The Committee

RESOLVED by four votes to one that a Private Hire driver's licence be granted to the Applicant for a period of six months only, subject to all of the standard conditions listed in the Council's Policy.

The Meeting ended at 12.35 p.m.
