

## ENVIRONMENT AND LICENSING COMMITTEE

Tuesday, 20th January, 2009

Councillor P.M. Blandamer (Chairman)

Councillors:	C.P. Barnfather	W.J. Clarke (a)
	R.T. Day	M.S. Dunkin (a)
	P. Feeney	P.A. Hughes
	R.G. Kempster	J.M. Parr (a)
	W.A. Peet	T.J. Pepper
	S.J. Prew-Smith	R.J. Tait
	M.A. Wright	

### 49 APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors Clarke, Dunkin and Parr.

### 50 TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 18 NOVEMBER 2008.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record and signed by the Chairman.

### 51 DECLARATION OF INTERESTS.

Councillor Kempster declared a personal and prejudicial interest in agenda item 9 (application for a joint Hackney Carriage/Private Hire Drivers Licence from KC).

### 52 NOTICES SERVED - FOOD/HEALTH AND SAFETY SECTION

RESOLVED:

To note the information.

### 53 NOTICES SERVED - PUBLIC PROTECTION SECTION

RESOLVED:

To note the information

### 54 REQUEST FOR EXEMPTION FROM DISPLAYING FIXED PLATE - SG

RESOLVED:

a) With respect to Simon Garratt, the requirement to display a vehicle licence plate is waived; and

b) The Council issue a notice which will be permanently displayed at all times, in a position to be agreed, inside any licensed vehicle used for chauffeuring purposes, owned by Simon Garratt.

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**ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS URGENT.**

**i. RECORDING DECISIONS**

The Committee received a verbal report on behalf of the Head of Democratic and Community Services recommending that the minutes specifically include reference to the Committee's application of its Policy and Guidelines. The Committee already consider its Policy when dealing with each case before it and decide whether exceptional circumstances exist which would warrant departure from this Policy. However this is not formally recorded in the minutes as a matter of course.

**i. RESOLVED:**

That the minutes should specifically include reference to the Committee's application of its Policy and Guidelines and whether exceptional circumstances exist which would warrant departure from the Policy.

**ii. LETTERS TO HOLDERS OF DRIVER'S LICENCES PRIOR TO EXPIRY OF THE LICENCE**

The Committee considered the correspondence sent to a licence-holder 2 months prior to expiry of their Licence.

**ii. RESOLVED:**

i. To request that the Head of Planning and Environment Services include a standard paragraph in all such letters explaining that the licence-holder cannot drive a licensed vehicle on expiry of their driver's licence; that they would be committing a criminal offence if they do so; and that they could invalidate their insurance policy.

ii. To request that the Head of Planning and Environment Services write to all operators stating that it is their responsibility to ensure that their drivers hold a valid driver's licence and that they would be committing a criminal offence if they allow unlicensed drivers to drive for them.

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**EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED:

That the members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting during consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

(Councillor Kempster left the meeting)

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**APPLICATION FOR A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - DC**

The Committee considered a report from the Head of Planning regarding an application for a joint Hackney Carriage/Private Hire Driver's Licence from DC.

DC attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is not satisfied on balance that exceptional circumstances exist which would warrant departure from this Policy.

RESOLVED :

To approve the application for a joint Hackney Carriage/Private Hire Driver's Licence to DC subject to the usual checks and scrutiny.

(Councillor Kempster returned to the meeting. Councillor Pepper entered the meeting)

58

**APPLICATION TO RENEW A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - KC**

The Committee considered a report from the Head of Planning regarding an application for renewal of a joint Hackney Carriage/Private Hire Driver's Licence from KC.

KC attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is satisfied on balance that exceptional circumstances exist which would warrant departure from this Policy.

RESOLVED:

To approve the renewal of the joint Hackney Carriage/Private Hire Driver's Licence to KC subject to the usual checks and scrutiny.

**59 APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - RF**

The Committee considered a report from the Head of Planning regarding an application for renewal of a joint Hackney Carriage/Private Hire Driver's Licence from RF.

RF attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is satisfied on balance that exceptional circumstances exist which would warrant departure from this Policy.

RESOLVED:

To approve the renewal of the joint Hackney Carriage/Private Hire Driver's Licence to RF subject to the usual checks and scrutiny.

**12 APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - FJ**

The Committee considered a report from the Head of Planning regarding an application for renewal of a joint Hackney Carriage/Private Hire Driver's Licence from FJ.

FJ attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is not satisfied on balance that exceptional circumstances exist which would warrant departure from this Policy.

RESOLVED:

To approve the renewal of the joint Hackney Carriage/Private Hire Driver's Licence to FJ but to issue a warning as to the consequences of any further convictions or appearances before the Committee.

**60 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - AK**

The Committee considered a report from the Head of Planning regarding an application for a joint Hackney Carriage/Private Hire

Driver's Licence from AK.

AK attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is not satisfied on balance that exceptional circumstances exist which would warrant departure from this Policy.

RESOLVED:

To refuse to approve the application from AK for a Private Hire/Hackney Carriage Driver's Licence on the basis that he is not considered to be a fit and proper person to hold a licence because of his caution and conviction for theft.

AK was advised of his right of appeal against the decision of the Committee.

**61 APPLICATION FOR A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - TM**

The Committee considered a report from the Head of Planning regarding an application for a joint Hackney Carriage/Private Hire Driver's Licence from TM.

TM attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is not satisfied on balance that exceptional circumstances exist which would warrant departure from this Policy.

RESOLVED:

To approve TM's application for a Private Hire/Hackney Carriage Driver's Licence but to issue a warning as to the consequences of any further convictions or appearances before the Committee

**62 APPLICATION TO RENEW A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - CS**

The Committee considered a report from the Head of Planning regarding an application for renewal of a joint Hackney Carriage/Private Hire Driver's Licence from CS.

CS attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the

Committee is not satisfied on balance that exceptional circumstances exist which would warrant departure from this Policy.

RESOLVED:

To refuse to approve the application from CS to renew his Private Hire/Hackney Carriage Driver's Licence on the basis that he is not considered to be a fit and proper person to hold a licence because of his caution for possessing a controlled drug.

CS was advised of his right of appeal against the decision of the Committee.

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**INVESTIGATIONS CARRIED OUT BY LICENSING ENFORCEMENT OFFICER NOVEMBER/DECEMBER 2008**

RESOLVED:

To accept the report.

The meeting closed at 6.50pm.