

**Minutes of a Meeting of the
Licensing Regulatory Sub-Committee of
Adur District Council**

QEII Room, Shoreham Centre, Shoreham-by-Sea

28 November 2018

Councillor Kevin Boram (Chairman)

David Balfe Pat Beresford

LRSC/18-19/10 Declarations of Substitutions

There were no substitutions

LRSC/18-19/11 Declarations of Interest

There were none

LRSC/18-19/12 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions

LRSC/18-19/13 Exclusion of the Press and Public

that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting on the grounds of the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A to the Act indicated against the item.

**LRSC/18-19/14 Local Government (Miscellaneous Provisions) Act 1976
Determination of a new application for a Private Hire Driver Licence**

Before the Committee was a report by the Director for Communities, a copy of which has been circulated to members of the Sub-Committee and a copy of which is attached to the signed copy of these minutes as item 5. Members were requested to consider and determine an application for a Private Hire driver licence. It had been deemed appropriate that the decision as to whether a licence could be granted, subject to the applicant successfully completing all the required stages, should be taken by the Licensing Regulatory Sub-Committee.

The Committee undertook the procedure to determine the application

The Committee adjourned at 6.20pm

The Committee reconvened at 6.48pm

In reaching its decision, the Licensing Committee gave due regard to relevant legislation and guidance within the Councils Taxi and Private Hire Handbook. The Committee also gave regard to human rights legislation and the rules of natural justice. Due consideration was given to representations that were made at the hearing and in writing.

Resolved: that the application be refused

Reason for decision: The committee's overriding concern is public safety and does take public order offences seriously.

The committee notes the applicant failed to disclose both of his offences and misrepresented the conviction as a caution.

Secondly, Paragraph 3.7 of Adur's Licensing enforcement policy in(Appendix L in the report) provides that a license will not normally be granted where the Applicant has a conviction for a Section Public Order offence in the 3 years immediately prior to the date of the application. In this case, the Applicant will be able to re-apply on the 8th July 2019.

In this instance, the committee believes it is just and proportionate to refuse this application for a Private Hire License.

**LRSC/18-19/15 Local Government (Miscellaneous Provisions) Act 1976
Determination of a Review of a Private Hire Driver Licence**

Before the Committee was a report by the Director for Communities, a copy of which has been circulated to members of the Sub-Committee and a copy of which is attached to the signed copy of these minutes as item 6. Members were requested to consider and determine a review of a Private Hire driver licence. It had been deemed appropriate that the decision as to whether a licence could be granted, subject to the applicant successfully completing all the required stages, should be taken by the Licensing Regulatory Sub-Committee.

The Committee adjourned at 7.26pm

The Committee reconvened at 7.40pm

In reaching its decision, the Licensing Committee gave due regard to relevant legislation and guidance within the Councils Taxi and Private Hire Handbook. The Committee also gave regard to human rights legislation and the rules of natural justice. Due consideration was given to representations that were made at the hearing and in writing.

Resolved: that a formal warning be issued

Reason for decision: The committee notes that this is the applicant's only offence and that the points on his license are six.

In the light of Paragraph 2 of The enforcement Policy in the Council's Taxi and Private Hire Handbook, the committee has decided that in this instance, a formal warning is the appropriate decision to make.

However, if an incident of a similar nature should come before this committee in the future, the committee will have regard to the conclusions of this hearing.

The committee expects the applicant to remain a fit and proper person for the purposes of maintaining his Private Hire Driver's Licence.

**LRSC/18-19/16 Local Government (Miscellaneous Provisions) Act 1976
Determination of a Review of a Private Hire Driver Licence**

Before the Committee was a report by the Director for Communities, a copy of which has been circulated to members of the Sub-Committee and a copy of which is attached to the signed copy of these minutes as item 7. Members were requested to consider and determine a review of a Private Hire driver licence. It had been deemed appropriate that the decision as to whether a licence could be granted, subject to the applicant successfully completing all the required stages, should be taken by the Licensing Regulatory Sub-Committee.

The respondent's solicitor made a representation to the committee to request an adjournment of the matter. She had been appointed shortly prior to the hearing and there were some matters within the report before members that she wanted to get more information on before proceeding

The Committee adjourned at 8.00pm

The Committee reconvened at 8.10pm

Resolved: that the Determination of a Review of a Private Hire Driver Licence be deferred until the sub-committee's meeting on the 20 December 2018.

**LRSC/18-19/17 Local Government (Miscellaneous Provisions) Act 1976
Determination of a Review of a Private Hire Driver Licence**

Before the Committee was a report by the Director for Communities, a copy of which has been circulated to members of the Sub-Committee and a copy of which is attached to the signed copy of these minutes as item 7. Members were requested to consider and determine a review of a Private Hire driver licence. It had been deemed appropriate that the decision as to whether a licence could be granted, subject to the applicant successfully completing all the required stages, should be taken by the Licensing Regulatory Sub-Committee.

The applicant had not seen all of the evidence being presented to the committee prior to the hearing. The matter was therefore adjourned

Resolved: that the Determination of a Review of a Private Hire Driver Licence be deferred until the sub-committee's meeting on the 20 December 2018.

The meeting was declared closed by the Chairman at 8.15pm, it having commenced at 6pm.

Chairman