

**Minutes of a Meeting of the
WBC Licensing and Control Committee 'A' of
Worthing Borough Council**

Gordon Room, Town Hall, Chapel Road, Worthing

Monday 28 July 2014

Councillor Paul High (Chairman)

*Roy Barraclough	Susan Jelliss
Keith Bickers	*Kevin Jenkins
*Callum Buxton	Sean McDonald
*James Doyle	Dr Heather Mercer
*Norah Fisher	Louise Murphy
Diane Guest	Mark Nolan
Paul Howard	Luke Proudfoot

*Absent

LCCA/14-15/04 Declarations of Interests / Substitute Members

Councillor Robert Smytherman declared his substitution for Councillor Norah Fisher

LCCA/14-15/05 Confirmation of minutes

Resolved: That the minutes of the meeting of Licensing and Control Committee 'A' that took place on 19 June 2014 be confirmed as a correct record and be signed by the Chairman.

LCCA/14-15/06 Local Government (Miscellaneous Provisions) Act 1976 - Review of Taxi and Private Hire licence conditions

Before the Committee was a report by the Director for Customer Services, copies of which had been distributed to all Members and a copy of which is attached to the signed copy of these minutes as item 4. Members were asked to review the conditions imposed on Worthing Taxi & Private Hire licences and consider new updated Taxi and Private Hire licence conditions to which to replace them. It was proposed to introduce a new taxi licence policy & handbook that after a 28 day public consultation period would be referred back to members for approval. The conditions members were being asked to consider contained within the report would form the basis on which the new policy & handbook were drafted.

Members discussed the requirement for drivers to attend a nominated garage to have their MOT's and certificates of fitness. It was agreed that the issue be brought into line with Adur policy where drivers were not limited as to where they should get their vehicles tested.

Members discussed the prohibition of rear loading Hackney Carriage vehicles. The Senior Licensing Officer made the Committee aware of an earlier decision that rejected an application to allow rear loading Hackney Carriages. Members asked that the previous decision and associated documentation be circulated to the members prior to the matter being brought back later in the year.

A terminological inconsistency was noticed within in paragraphs 18.3 and 18.4 of the proposed Private Hire and Hackney Carriage conditions and it was agreed that the words 'certificate of

compliance' be altered to read 'certificate of fitness'.

Resolved:

- i) That the draft driver conditions be approved for inclusion in a draft policy and handbook subject to the following amendments:
 - That drivers be allowed to get their vehicles tested at any VOSA approved test centre;
 - That the Committee be given information relating to disabled access to hackney carriage vehicles;
 - That within in paragraphs 18.3 and 18.4 of the proposed Private Hire and Hackney Carriage conditions and it was agreed that the words 'certificate of compliance' be altered to read 'certificate of fitness'.

**LCCA/14-15/06 Local Government (Miscellaneous Provisions) Act 1982 – Schedule 4
Draft Street Trading Policy**

Before the Committee was a report by the Director for Customer Services, copies of which had been distributed to all Members and a copy of which is attached to the signed copy of these minutes as item 5. Members were requested to agree a draft statement of Street Trading Licensing Policy, prepared in accordance with the requirements of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, as a basis for consultation with stakeholders.

The Senior Licensing Officer introduced the report to the Committee

Members discussed the report and highlighted instances where it would be beneficial for local ward members to be notified in advance where there were changes to consent or new consent being given.

Resolved:

- i) That Local Ward Members be given notice of instances where there are changes to consent or of new consent being given in relation to street trading and concessions;
- ii) That the Committee approve the adoption of the draft policy, as amended, as the basis for consultation; and agree to receive a further report to consider the results of the consultation.

LCCA/14-15/07 Exclusion of the Press and Public

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

**LCCA/14-15/08 Local Government (Miscellaneous Provisions) Act 1976
Determination of a new application for a Private Hire Driver's Licence**

Before the Committee was a report by the Director for Customer Services, copies of which had been distributed to all Members and a copy of which is attached to the signed copy of these minutes as item 7. Due to the details the applicant's application it had been deemed appropriate that the decision as to whether a licence could be granted should be taken by the Licensing & Control Committee.

The Committee carried out the agreed procedure for the hearing

The Committee adjourned at 7.57pm to consider its decision

The Committee reconvened at 8.16pm

Those present were told that the Committee had made its decision having due regard to the best practice guidance, Worthing Borough Council's Taxi & Private Hire Handbook, the relevant legislation and the rules of natural justice. The Committee had considered all issues and representations made orally and in writing.

Resolved: that the application be granted

Reasons for decision: The Committee are of the view that the applicant is a fit and proper person to hold a licence which is a position of trust. This is because the applicant showed remorse for his offending; he is of good character and has not committed any further offences. He presented himself well at the Committee, being of smart appearance. In relation to the driving offence: the Committee considered this to be a minor and common misdemeanour. The Committee noted that he showed courage for attending in person.

Advice to applicant: The Licence is subject to the conditions set out in legislation and the standard conditions set out in Worthing Borough Council Taxi and Private Hire Handbook. The Applicant was advised that he could appeal against any or all of the standard conditions set out in that WBC Handbook by writing to the Magistrates Court within 21 days of the grant of the licence.

**LCCA/14-15/09 Local Government (Miscellaneous Provisions) Act 1976
Determination of a new application for a Restricted Private Hire Driver's
Licence**

Before the Committee was a report by the Director for Customer Services, copies of which had been distributed to all Members and a copy of which is attached to the signed copy of these minutes as item 8. Due to the details of the applicant's application it was deemed appropriate that the decision as to whether a licence could be granted should be taken by the Licensing & Control Committee.

The Committee carried out the application according to the agreed procedure

The Committee adjourned at 8.43pm to consider the application

The Committee reconvened at 9.35pm

Those present were told that the Committee had made its decision having due regard to the best practice guidance, Worthing Borough Council's Taxi & Private Hire Handbook, the relevant legislation and the rules of natural justice. The Committee had considered all issues and representations made orally and in writing.

Resolved: that the application be refused

Reasons for Decision: The Committee considered that the applicant is not a fit and proper person to hold a licence which is a position of trust. The Committee considered the use of language and kissing customers, that occurred on 22 December 2012, as inappropriate. The Committee are not persuaded or convinced by the applicant's representations that this would not happen again.

Advice to the Applicant: The Applicant was notified that the decision will be issued in writing to him within 5 working days.

The Applicant was notified that he could appeal against the refusal to grant a licence to the Magistrates' Court, within 21 days of the date he receives notification in writing of the decision.

The meeting was declared closed by the Chairman at 9.40pm, it having commenced at 6.30pm.

Chairman