

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

Gordon Room, Town Hall, Chapel Road, Worthing

Tuesday 18 November 2014

Councillor Paul High (Chairman)

Roy Barraclough
Keith Bickers
Callum Buxton
James Doyle
*Norah Fisher
Diane Guest
*Paul Howard

Susan Jelliss
Kevin Jenkins
Sean McDonald
Dr Heather Mercer
Louise Murphy
Mark Nolan
Luke Proudfoot

*Absent

LCCA/14-15/10 Declarations of Interests / Substitute Members

There were none.

LCCA/14-15/11 Confirmation of minutes

Resolved: That the minutes of the meeting of Licensing and Control Committee 'A' that took place on 16 September 2014 be confirmed as a correct record and be signed by the Chairman.

LCCA/14-15/12 Public Question Time

There were no questions from the public.

LCCA/14-15/13 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/14-15/14 Local Government (Miscellaneous Provisions) Act 1976 – Determination of a new application for a Private Hire Driver's Licence

Before the Committee was an exempt report by the Director for Customer Services, copies of which had been distributed to all Members as item 5.

Due to the details of 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 Senior Licensing Officer introduced the application and the applicant confirmed that he had

a number of convictions on his record but held a clean driving licence.

The Senior Licensing Officer advised Members of the need to consider the relevance, seriousness, date of conviction, sentence and pattern of offending in relation to spent convictions on the application. The Committee was asked to determine whether the applicant was fit to hold a licence.

Members of the Committee questioned the applicant about his convictions and intentions for future employment should the licence be granted. The applicant stated that it was their intention to stay clean and not to reoffend.

The Committee adjourned at 6.50pm to consider the application.

The Committee reconvened at 7.05pm.

The Chairman informed those present the Committee had made its decision having due regard to the relevant legislation and the guidance within the Council's Taxi and Private Hire Handbook, particularly at Chapter 4.4, entitled Criminal Offence Guidelines. The Chairman advised that the Committee had also given regard to Human rights legislation, the rules of natural justice and that due consideration was given to representations that were made at the hearing and in writing.

Resolved: that the Committee had not been satisfied that the applicant was a fit and proper person to hold a driver's licence and therefore the application was refused.

Reasons for Decision:

Due to the number and type of previous convictions, the Committee was of the opinion that the applicant was not a fit and proper person to hold a licence.

There were fourteen separate court hearings between 1982 and 2009 and a total of 24 convictions including convictions for assault, using threatening, abusive or insulting words or behaviour and sending malicious communications.

The Committee was also concerned about an email that the applicant sent on the 14th September and his representations to Committee. The applicant made it clear that they did not know whether they would behave in the same manner again, namely using insulting words.

The overriding duty of the Committee was the protection of the public and on that basis the Committee was not willing to grant a licence.

The applicant was reminded that he had a right of appeal against the Committee's decision to the Magistrates' Court and must submit that appeal within 21 days of being notified of this decision.

* *Cllr Buxton arrived during consideration of this application and remained outside of the meeting room until the application was resolved.*

** *Prior to consideration of agenda item 6, the Committee sought clarification from the Senior Licensing Officer and Solicitor regarding representations on behalf of applicants.*

LCCA/14-15/15 Local Government (Miscellaneous Provisions) Act 1976 – Determination of a Review of a Private Hire Driver’s Licence

Before the Committee was an exempt report by the Director for Customer Services, copies of which had been distributed to all Members as item 6.

A written statement was tabled by the licence holder at the meeting for the Committee’s consideration.

The Licensing & Control Committee was asked to consider what action should be taken against the holder of a Private Hire Driver’s licence following their acceptance of a caution for the offences of assault by beating.

The Senior Licensing Officer outlined the details of two offences carried out by the licence holder and the outcome of a review of a Private Hire Driver’s Licence by Crawley Borough Council (CBC).

The applicant confirmed that it was an accurate account of the incident.

The Committee was requested to determine whether the applicant was fit to hold a licence.

Members questioned the licence holder about the incident and the outcome of a review by CBC. The licence holder confirmed that CBC had required him to undertake an anger management course before his licence expired in July 2015. The licence holder confirmed that he had held a licence in Worthing for 18 years; that the incident had been a mistake which he regretted and that he wished to keep his licence.

The Committee adjourned at 7.34pm to consider the application.

The Committee reconvened at 8.35pm.

The Chairman informed those present that the Committee had given due regard to relevant legislation and the guidance within the Council’s Taxi and Private Hire Handbook, particularly at Chapter 4.4, entitled Criminal Offence Guidelines. The Chairman advised that the Committee had also given regard to Human rights legislation, the rules of natural justice and that due consideration had been given to representations that were made at the hearing and in writing.

Resolved: that the Committee:-

1. Formally warned the licence holder about their future conduct. This was the second warning they had received from this Committee and the warning would remain on their file. If the licence holder came before the Committee again, this warning would be taken into account.
2. Before the licence holder applied to renew their licence in April 2015, they must have completed a nationally recognised anger management course. The licence holder must notify the Licensing Officer within the next 30 days, providing proof of booking, as to when he was going to undertake this course, which should be the soonest available. If the licence holder does not notify the Licensing Officer and provide proof of the booking within 30 days, the matter will be referred back to the Committee who will consider suspending or revoking the licence.

Reasons for Decision:

The overriding duty of the Committee is to protect the public. The licence holder had received two cautions for assault by beating in August 2014. It was therefore the Committees' decision that the licence holder needed to attend an anger management course to ensure that they are a fit and proper person.

The licence holder was reminded of their right of appeal against the Committee's decision to the Magistrates' Court and that they must submit their appeal within 21 days of being notified of this decision.

The meeting was declared closed by the Chairman at 8.37pm, it having commenced at 6.30pm.

Chairman