

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

Gordon Room, Town Hall, Chapel Road, Worthing

Tuesday 17 March 2015

Councillor Paul High (Chairman)
Councillor Mark Nolan (Vice 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
*Robert Smytherman

*Absent

LCCA/14-15/11 Declarations of Interests / Substitute Members

Councillor Luke Proudfoot declared his substitution for Councillor Keith Bickers

Councillor Michael Cloake declared his substitution for Councillor Cllr Dr Heather Mercer

Councillor Charles James declared his substitution for Councillor Sue Jelliss

Cllrs High and Cloake declared a non-pecuniary interest in matters relating to West Sussex County Council.

LCCA/14-15/12 Confirmation of minutes

Resolved: That the minutes of the meeting of Licensing and Control Committee 'A' that took place on 18 November 2014 be confirmed as a correct record and be signed by the Chairman.

LCCA/14-15/13 Public Question Time

There were no questions from the public.

LCCA/14-15/14 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/14-15/15 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 5. Members were requested to consider what action, if any, should be taken against the holder of a Private Hire Driver's licence.

The Committee adjourned at 7.20 pm to consider the application.

The Committee reconvened at 8.04pm.

The meeting was told that the Committee made their decision having due regard to the relevant legislation, best practice guidance, the Worthing Borough Council Taxi and Private Hire Handbook and the rules of natural justice. Further the Committee carefully considered the representations made orally and in writing and given due regard to all the issues raised.

Resolved: That the Licence be suspended for a period of 7 (seven) days

Reasons for Decision: The Committee took into account the previous warnings given to the driver by this Committee in regard to his behaviour. These warnings were given by the Committee on 30 September 2009 and more recently on 18 November 2014 regarding a Police caution for assault and the respondent was informed at that time that the warnings would be taken into account should his licence be referred to this Committee again. The Committee noted that the respondent did attend and complete an anger management course which was required of him by the Licensing Committee on 18 November 2014. However the Committee took seriously the complaints regarding the respondent's behaviour on the 20 December 2014. In particular, that there was evidence of alcohol in his body which was just under the legal limit for driving, which the Committee considered makes him not a fit and proper person but that a suspension is an adequate and proportionate response to his behaviour.

LCCA/14-15/16 Local Government (Miscellaneous Provisions) Act 1976 – Determination of a Review of a Hackney Carriage 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. Members were requested to consider what action, if any, should be taken against the holder of a hackney carriage driver's licence following a prosecution under the Trade Marks Act 1994.

The Senior Licensing Officer introduced the report to the Committee

The Committee adjourned at 9.11 pm to consider the application.

The Committee reconvened at 9.27pm

The meeting was told that the Committee made their decision having due regard to the relevant legislation, best practice guidance, the Worthing Borough Council Taxi and Private Hire Handbook and the rules of natural justice.

Further the Committee carefully considered the representations made orally and in writing and gave due regard to all the issues raised.

Resolved: That Hackney Carriage Drivers Licence be revoked

Reasons for Decision: The decision was made on the basis that the respondent has committed serious offences involving dishonesty. The Committee attached particular significance when making its decision to the conviction of the respondent for numerous dishonesty offences under the Trade Marks Act 1994, which were reported to the Councils Licensing Section on 3 December 2014, because of the importance the Committee places on being able to rely on the trustworthiness of the hackney carriage drivers in its area.

Advice to Parties: The respondent was informed that he may appeal against the revocation imposed upon him and that appeals must be made to the Magistrates Court within 21 days of the date he receives the notification in writing of this decision.

The meeting was declared closed by the Chairman at 9.30pm, it having commenced at 6.30pm.

Chairman