

**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 November 2016**

Councillor Paul High (Chairman)

Paul Baker	Diane Guest
Keith Bickers	Susan Jelliss
*Joan Bradley	Jane Sim
*Callum Buxton	Bob Smytherman
Edward Crouch	Paul Westover
Lionel Harman	Steve Wills
Joshua High	Tom Wye

\*Absent

**LCCA/16-17/06 Declarations of Interest / Substitute Members**

Councillor Guest declared a non-pecuniary interest in agenda item 5 as an occasional customer of the applicant's business (the business was not related to the application) and a non pecuniary interest in agenda item 7 as the applicant occasionally bought coffee from her premises.

Councillor Wye declared a non-pecuniary interest in item 5 as he lived close to the applicant but was not familiar with him

Councillor Jelliss told the meeting that she had been contacted by a member of the public with regards to agenda item 6, however she had not discussed the matter and had directed the member of the public to speak with the Licensing team.

Councillor Sim declared a non pecuniary interest in item 5 as she was associated with a charity that had a shop next to the applicant's.

**LCCA/16-17/07 Confirmation of Minutes**

**Resolved:** that the minutes of the Licensing and Control Committee A meeting of held on the 26 September 2016 be approved

**LCCA/16-17/08 Public Question Time**

There were no questions or statement made by the public

**LCCA/16-17/09 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 12A to the Act indicated against the item.

**LCCA/16-17/10 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, copies of which had been circulated to all members, a copy of which is attached to the signed copy of these minutes as item 5. The report before Members asked the Committee to determine a new application for a Private Hire Vehicle licence

*The meeting adjourned at 6.45pm and reconvened at 6.52pm*

The meeting was told that in reaching its decision, the Licensing Committee had given 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 licence be granted

**Reasons for the decision:** The Committee noted that the applicant had a caution for dishonesty however the date of this was September 2012, therefore more than four years ago. The Committee have taken into account that the applicant only had one further offence for speeding in April 2015 and as such the Committee is satisfied that the applicant is a fit and proper person to hold a driver's licence.

**LCCA/16-17/11 Local Government (Miscellaneous Provisions) Act 1976 Determination  
of a Review of a Private Hire Licence**

Before the Committee was a report by the Director for Communities, copies of which had been circulated to all members, a copy of which is attached to the signed copy of these minutes as item 6. Members were requested to consider what action, if any, should be taken against the holder of a Private Hire Driver's licence following information provided by the respondent regarding assault.

*The meeting adjourned at 7.05pm and reconvened at 7.45pm*

The meeting was told that In reaching its decision, the Licensing Committee had given 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:**

- i) That the respondent be issued with a formal warning;
- ii) That the respondent must complete an approved anger management course by 1 April 2017 and provide a certificate of completion to the Licensing Officer

**Reasons for decision:** The Committee does take the offence of common assault very seriously and particularly as the assault was against the respondent's former partner.

The Committee has taken into account the fact that the respondent has held his Private Hire Driver's licence since 2007 with no other issues and accepts that the respondent was under a great deal of stress at the time of the incident. However the Committee's overriding concern is that of public safety and it does feel the anger management course is important for the respondent to attend and will be of benefit to the respondent due to the nature of this offence and other previous convictions.

Due to all of these factors the Committee is satisfied that the respondent is a fit and proper person to hold a driver's licence.

**Advice to respondent:** The respondent was reminded that he had a right of appeal against the Committee's decision to the Worthing Magistrates' Court and that an appeal must be submitted within 21 days of being notified of this decision

### **LCCA/17-18/12 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 was circulated to all Members, a copy of which is attached to the signed copy of these minutes as item 7. The report before Members asked the Committee to determine a new application for a Private Hire Vehicle licence

*The meeting adjourned at 7.56pm and reconvened at 8.21pm*

The meeting was told that in reaching its decision, the Licensing Committee had given 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 licence be granted

**Reasons for the decision:** the respondent's previous convictions are of a serious nature and the Committee does have concerns. However it is noted that the respondent's last offence was committed in 2009. Since that date the respondent has been employed, in particular, as a driver with Royal Mail since January 2013 and the respondent's reference letter confirmed there are no driving or conduct infringements on record. As such, on this occasion, the Committee are prepared to depart from the guidance in the Council's Taxi Handbook.

The Committee is satisfied that the respondent is a fit and proper person to hold a driver's licence.

The meeting was declared closed at by the Chairman at 20:23pm, it having commenced at 6.30pm.

**Chairman**