

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

Gordon Room, Town Hall, Chapel Road, Worthing

Thursday 15 December 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/16-17/13 Declarations of Interest / Substitute Members

Councillor Paul High declared a non-pecuniary interest in item 7. Councillor High was a casual acquaintance of the respondent and sometimes drank in the same public house. He told members that he had not discussed the matter with the respondent

Councillor Joshua High declared a non-pecuniary interest in item 7. Councillor High was a casual acquaintance of the respondent and sometimes drank in the same public house. He told members that he had not discussed the matter with the respondent

LCCA/16-17/14 Confirmation of Minutes

Resolved: that the minutes of the Licensing and Control Committee A meeting of held on the 28 November 2016 be approved

LCCA/16-17/15 Public Question Time

There were no questions or statement made by the public

LCCA/16-17/16 Review of Penalty Point system for Hackney Carriage and Private Hire licences

Before the Committee was a report by the Director for Communities, a copy of which had been circulated to all members, a signed copy of which is attached as item 4. The report before members invited the committee to review the revised Hackney Carriage & Private Hire Licensing Penalty point system. Members were requested to consider the document and adopt the document including any amendments considered required.

The Licensing Officer introduced the report to the Committee. Members were told that the introduction of the proposed scheme would provide clarity and transparency with regards to breaches for both drivers and taxi officers.

Mr Fenton-Goss, a taxi driver spoke to the committee and told members that he felt the points system was not necessary as taxis had operated well under the previous system for a long time. He told members that he didn't feel that the trade had been given sufficient opportunity to take part in the consultation. He also stated that few councils had a penalty points system in place.

Members asked the Licensing officer about the points raised by Mr Fenton-Goss and were told that drivers were given three months to respond to the original consultation. Those that had responded to the original consultation concerning the points system (29 individuals) and trade bodies were given a second opportunity to engage on the points system prior to the committee meeting, this had elicited one further response. Members were told that a large number of councils had the penalty points system in place and that it was considered best practice. It was re-iterated that Officer felt that it was a transparent and fair way of dealing with disciplinary matters.

In coming to its decision the Licensing Committee gave due regard to the relevant legislation, guidance and rules of natural justice and adhered to a 12 week consultation period to consider all objections.

Resolved: that the penalty points system be approved

Reasons for decision:

- (1) To ensure that the Local Authority extinguish their duty of care in a simplified, transparent and accountable way;
- (2) The penalty points system is an internal management tool that is open, transparent and a method of assessing drivers to ensure that the travelling public are protected.

LCCA/16-17/17 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/16-17/18 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

Due to the details of the application the matter was referred to the Head of Service for consideration. However it was 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 & Control Committee.

The Committee undertook the procedure for dealing with the matter

The meeting adjourned at 7.06pm and reconvened at 7.31pm

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 application for a licence be refused

Reasons for the decision: The Committee felt that that the applicant has a history and pattern of offending as set out specifically in section 1.21 and 6.1 of the enforcement policy of the taxi drivers' handbook, which was not isolated and related to excess alcohol and motor vehicles which puts the travelling public at risk. Furthermore no mitigating circumstances were put forward by the applicant

Due to all these factors the Committee is satisfied that the applicant is not a fit and proper person to hold a drivers licence.

Advice to parties: The applicant was told that that he had a right of appeal against the Committee's decision to the Worthing Magistrates Court which must submit that appeal within 21 days of being notified of this decision.

LCCA/16-17/19 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

The Committee undertook the procedure for dealing with the matter

The meeting adjourned at 8.01pm and reconvened at 8.23pm

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 retain his private hire vehicle licence;
- ii) That the respondent be issued with a formal warning;
- ii) That the respondent must complete an approved anger management course by 1 May 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 wife

The Committee has taken into account the fact that the respondent has held his Private Hire Vehicle licence since 2013 with no other issues, complaints and concerns from that date 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 the respondent's 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

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

Chairman