

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

Council Chamber, Town Hall, Chapel Road, Worthing

Monday 12 November 2018

Councillor Paul High (Chairman)

*Mike Barrett
Keith Bickers
Lionel Harman
Karen Harman
*Joshua High
Charles James
Sean McDonald

Louise Murphy
Richard Mulholland
Jane Sim
Bob Smytherman
Paul Westover
Mark withers
Tom Wye

*Absent

LCCA/18-19/01 Declarations of Interest / Substitute Members

Councillor Paul High declared an interest as a member of West Sussex County Council

Councillor Sean McDonald declared an interest as a member of West Sussex County Council

Councillor Bob Smytherman declared an interest as a member of West Sussex County Council

LCCA/18-19/02 Confirmation of Minutes

Resolved: that the minutes of the Licensing and Control Committee A meeting of held on the 8 January 2018 be approved as amended.

LCCA/18-19/03 Public Question Time

There were no questions from the public

LCCA/18-19/04 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/18-19/05 Change of order to agenda items

The Chairman informed the meeting that item 6 would be held before item 5

**LCCA/18-19/06 Local Government (Miscellaneous Provisions) Act 1976 Determination
of an application for a new 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 6. Members were requested to consider and determine an application for a new Private Hire driver's licence. Due to the details of the application the matter was referred to the Public Health & Regulation Manager for consideration but 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 carried out the procedure to determine the application

The meeting adjourned at 7.17pm for the members to consider their decision and reconvened at 7.43pm

The meeting was told that in reaching its decision, the Licensing Committee gave 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 be refused and the licence **not** be granted

Reasons for decision:

The committee's overriding concern is public safety and does take convictions for violence related offences seriously, and when they take place at an age where an applicant can be said to be mature and should fully understand the consequences of their actions.

Further, there has been no admission of liability for these convictions which would have gone through proper judicial processes.

The committee believes it is just and proportionate not to grant the licence.

Advice to Parties: You are reminded that you have a right of appeal against the Committees' decision to Worthing Magistrates Court. You must submit that appeal within 21 days of being notified of this decision.

**LCCA/18-19/07 Local Government (Miscellaneous Provisions) Act 1976 Determination
of an application for a new 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. Members were requested to consider and determine an application for a new Private Hire driver's licence. Due to the details of the application the matter was referred to the Public Health & Regulation Manager for consideration but 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 carried out the procedure to determine the application

The meeting adjourned at 8.13pm and reconvened at 8.26pm

In reaching its decision, the Licensing Committee gave 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 Private Hire Drivers Licence be granted

Reasons for Decision:

The committee has determined that the applicant has been sufficiently punished by the conviction and confiscation order, in addition to the community service of 280 hours which the committee has been told, he has completed.

The committee has also found that there was nothing to cause concern regarding the applicant's taxi driving.

All these have been carefully balanced against the committee's overriding concern for public safety and it is expected that the applicant will maintain his license as a fit and proper person.

Advice to Parties: You are reminded that you have a right of appeal against the Committees' decision to Worthing Magistrates Court. You must submit that appeal within 21 days of being notified of this decision.

Councillor Tom Wye left the meeting at 8:30pm

The meeting was adjourned at 8:30 and reconvened at 8:40pm

LCCA/18-19/08 Local Government (Miscellaneous Provisions) Act 1976 Determination of a review of an existing 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 7. Due to information received the respondent's licence was referred to the Public Health & Regulation Manager for consideration, it was deemed appropriate that the matter be referred to the Licensing & Control Committee for consideration.

The committee carried out the procedure to determine the review

The meeting adjourned at 9pm and reconvened at 9.20pm

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 had also given regard to human rights legislation and the rules of natural justice.

Due consideration had been given to representations that were made at the hearing and in writing.

Resolved: that no changes be made to the driver's licence

Reasons for Decision: The committee has had regard to the applicant's 14 year unblemished record. However, the committee is concerned that with 14 years' experience as a Private Hire Taxi driver, the applicant allowed his insurance to expire and did not renew the insurance with the appropriate cover.

Should a similar experience take place in the future, this committee will bear this episode in mind.

Advice to Parties: You are reminded that you have a right of appeal against the Committees' decision to Worthing Magistrates Court. You must submit that appeal within 21 days of being notified of this decision.

The meeting was declared closed at by the Chairman at 9:24pm, it having commenced at 6.30pm.

Chairman