

**Minutes of a meeting of the
Adur Licensing and Regulatory Sub-Committee
5 October 2022
at 7.45 pm**

Present:

Councillor Paul Mansfield (Chairman)
Councillor Rob Wilkinson
*Councillor Julia Watts

*Absent

LRSC/12/22-23 Declaration of Interests / Substitute Members

There were no declarations of interest

Councillor Vee Barton substituted for Councillor Julia Watts

LRSC/13/22-23 Exclusion of the Press and Public

Resolved: that under section 100A(4) of the Local Government Act 1972, the press and public 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.

**LRSC/14/22-23 Local Government (Miscellaneous Provisions) Act 1976 Review
of Private Hire Operator and Driver's Licence**

Before the Sub-Committee was a report by the Director for Communities, a copy of which had been circulated to all Members, a copy of which is attached to the signed copy of these minutes as item 3.

The Committee carried out the procedure before it.

The committee adjourned to make a decision and reconvened to announce the decision.

With regards to the respondent's Operators Licence -

Decision: that the **Operators Licence** be revoked with immediate effect.

The reason for the decision is:

The Committee carefully considered all of the papers before them and were concerned that there appeared to be a history of not complying with the licensing conditions and an apparent disregard to direct instructions. The evidence that the committee considered was that in October 2019 the vehicle was suspended and yet evidence was that the respondent still continued to take bookings which he had admitted to under caution in

March 2020. The interview under caution was carefully considered and this showed that there was a pattern of non-compliance and disregard and that the respondent was aware of what was required of him. The Committee accepted the evidence that the respondent had previously received a written warning for breaching his Operator's Licence and therefore this was not the first time a breach had occurred. In this matter it was accepted that he had been warned that he would commit an offence if he continued to take bookings without an Operator's Licence. The booking record showed that bookings continued to be taken on numerous occasions thus operating without a licence. The respondent had moved without providing an address and the protection of the public had been undermined. The committee therefore felt that the respondent was not a fit and proper person to hold an operator licence and it was proportionate and necessary to protect the public to revoke the operator's licence with immediate effect.

With regards to the respondents Private Hire Drivers Licence -

Decision: to issue a formal warning to remain on the respondents **Private Hire Drivers Licence** record for 2 years.

The reason for the decision is:

The Committee was not able to hear from the respondent as he reported that he did not want to wait. As he had attended the Committee and knew what the purpose of the hearing was but had made the decision not to wait, the Committee resolved that it was in the public interest for the matter to be heard in his absence.

The Committee were concerned that the respondent had points on his licence for speeding, that he did not adhere to the requirement to provide a medical record within the required time, that he failed to provide his address when he moved and were concerned that he had committed a criminal offence and operated without an Operator's Licence. The Committee decided, however, that on the balance of probabilities the respondent was a fit and proper person to hold a Private Hire Drivers Licence but this was a serious issue and so it was proportionate and necessary to issue a formal warning that should stay on the respondent's driver's record for 2 years.

The meeting ended at 9.44 pm