



Minutes of the meeting of the **General Licensing Sub-Committee** held in Committee Room 2, East Pallant House on Tuesday 27 June 2017 at 2.30 pm

Members Present: Mr P Budge, Mr J W Elliott, Mr G McAra and Mr H Potter

Members not present:

In attendance by invitation:

Officers present all items: Mr A Barson (Licensing Technician), Mr L Foord (Licensing Manager) and Mrs K Jeram (Member Services Officer)

7 Election of Chairman

It was proposed and seconded that Mr Budge be elected Chairman of the Sub-Committee for this meeting.

Resolved

That Mr Budge be elected to be the Chairman for this meeting.

8 Declarations of Interests

There were no declarations of interest made at the meeting.

9 Late Items

There were no late items for consideration at the meeting.

10 Exclusion of Press and Public

Resolved

That in accordance with section 100A of the Local Government Act 1972 (the Act) the public and the press shall be excluded from the meeting during consideration of agenda item 5 for the reason that it is likely in view of the nature of the business to be transacted that there would be disclosure to the public of 'exempt information' being information of the nature described in Paragraph 1 (information relating to any individual) of Part I of Schedule 12A to the Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11 Hearing Procedure

The Sub-Committee noted the hearing procedure.

12 Local Government (Miscellaneous Provisions) Act 1976 - Application for a Private Hire Operator's Licence - Mr IA

The Sub-Committee considered a confidential report in respect of Mr IA, who had applied for a licence to drive private hire vehicles in the District of Chichester. The applicant was present at the hearing.

Mr Barson introduced the report. He explained that the Local Government (Miscellaneous Provisions) Act 1976 stated that a licence should not be granted unless the applicant was deemed to be fit and proper. The definition was intentionally broad to enable local authorities to consider the individual merits of each case. He also referred to the test set out by James Button in his book 'Button on Taxis' which suggested the test should be whether you would allow a member of your family or someone you cared for to get into a vehicle with this person and that if there were some doubts then further consideration should be given. He outlined the reasons for referring Mr IA's application to the Sub-Committee and provided details of his criminal conviction. He referred to paragraph 5b of the Council's guidelines on the relevancy of previous convictions circulated with the report. An applicant was required to be free of a conviction for between three and ten years depending on the nature of the offence. Mr IA had no points on his driving licence as at 16 May 2017. Mr IA's application had been submitted before the commencement of the Council's requirement for applicants to take a knowledge test.

Mr IA confirmed his name, date of birth and address. He confirmed that he had received and read the agenda papers.

Mr IA provided an explanation of the particular circumstances surrounding the incident that had led to his conviction and provided details of the sentence that he had received. He also provided details of how he had turned his life around since the incident. He advised the Sub-Committee of the reason for him applying to Chichester District Council for a Private Hire Driver's Licence. He confirmed that he had applied for a Private Hire Driver's Licence at another Local Licensing Authority but had failed the Knowledge Test.

Mr IA responded to questions from the Sub-Committee. He stated that he would be willing to undertake this Licensing Authority's Knowledge Test. If he was granted a Private Hire Driver's Licence he intended to work for Uber and would carry out his work in Chichester. He had applied to work in the Chichester District as a friend, who had a Private Hire Driver's Licence had moved here and suggested that he should move here too. With regard to the key attributes for a professional driver, he explained how he was polite and aimed to keep customers as happy as possible in his current job. With regard to dealing with difficult customers, he provided examples of his experiences dealing with difficult customers in a previous job and advised that he had kept calm and had not retaliated. He explained his understanding of how Uber worked and advised that the background checks they carried out were similar to those carried out by this Licensing Authority. As soon as passengers entered his vehicle, to be taken to their destination, they would be his responsibility. He provided details of his work permit and advised that when this ran out in two years'

time he could apply for permanent residency in the United Kingdom. He had passed his driving test in the United Kingdom during 2013.

Mr Barson confirmed that Form T14 with the declaration by a medical practitioner in support of the application for the Private Hire Driver's Licence, referred to as "still required" on page 27 of the agenda papers, had now been received.

Mr IA explained that he had previously submitted an application to become a Private Hire Driver with another Local Licensing Authority, listing his criminal conviction and had then taken the Knowledge Test. He could have re-taken the Knowledge Test. However, his friend then suggested applying to work in the Chichester District. He advised that part of the reason he applied to this Licensing Authority was due to the fact that at the time no Knowledge Test was required. Mr IA explained the reasons for his referees not being able to attend today's hearing.

Mr IA informed the Sub-Committee that becoming a Private Hire Driver would be a life changing opportunity for him and it was the first time that he had applied for something so big.

In response to a further question he had only used his satnav when driving here once he had arrived in Chichester.

Mr Barson made his closing remarks. It was for the Sub-Committee to decide if they considered Mr IA to be a fit and proper person to be granted a Private hire Driver's Licence. The Sub-Committee had the ability to attach conditions if granted and could grant a Licence for a period of one or four years. If the Sub-Committee decided to refuse a Licence there was an appeal process via the Magistrates Court.

Mr IA thanked the Sub-Committee for their time.

The Chairman thanked Mr Barson, who would shortly be leaving the Council's employment, for his thoroughness as well as thanking him for how he dealt with both the district councillors and applicants.

The Sub-Committee then withdrew to make their decision, along with Mr Bennett who would remain with the Sub-Committee while it reached its decision in the event of legal advice having being required. In the event, no specific legal advice was sought by the Sub-Committee.

RESOLVED

1. The Sub-Committee considered the application of Mr IA for a Private Hire Licence under s.51 of the Local Government (Miscellaneous Provisions) Act 1976. The Sub-Committee members are all trained in licensing law and policy and are also members of the Full Licensing Committee.
2. The Sub-Committee considered the relevant law, the Council's and national policies and the relevant Human Rights and Equality issues relating to this matter in particular the right to a fair "trial" in this process.

3. The Sub-Committee considered the Council's Conviction Policy in particular section b. of the policy at Appendix 1 relating to violent offences, the officers' comments and the applicant's submissions and answers to questions put to him.
4. The focus of the Sub-Committee was their assessment of whether the applicant is 'a fit and proper person' to act as a Private Hire Licence holder. The Sub-Committee focussed in particular upon:
 - The applicant's previous conviction of Assault Occasioning Actual Bodily Harm in June 2012;
 - The applicant's account of the offence and the steps he took in terms of rehabilitation under the requirements of the Community Order imposed by the Court;
 - Officer's comments both in the report and through the hearing as to the applicant's account of the offence which reflected the supporting evidence from police in their email of 25 May 2017
 - The Council's Conviction Policy requiring a period of three to ten years free of convictions involving violence;
 - The 'fit and proper person test' as established by case law and as outlined in the text book 'Button on Taxis – Licensing Law and Practice 'All of this evidence and law was considered against the 'Button on Taxis' test outlined in the officers' presentation and on the basis of all of the above, the Sub-Committee concluded they would be content for a loved one to be driven by the applicant and that he is a fit and proper person.
5. Taking all of the above evidence into account, the Sub-Committee decided **TO GRANT** a Private Hire Licence to the applicant Mr IA for **ONE YEAR**.

The meeting ended at 3.30 pm

CHAIRMAN

Date: