



Minutes of the meeting of the **General Licensing Sub-Committee** held in Committee Room 2, East Pallant House on Wednesday 15 February 2017 at 2.30 pm

Members Present: Mr P Budge, Mr L Macey, Mr G McAra and Mr H Potter

Members not present:

In attendance by invitation:

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

1 Election of Chairman

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

RESOLVED

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

2 Declarations of Interests

There were no declarations of interests made at the meeting.

3 Late Items

There were no late items for consideration at this meeting.

4 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.

5 Hearing Procedure

The Sub-Committee received the procedure which would be followed during the hearing of the application (copy attached to the official minutes).

6 Local Government (Miscellaneous Provisions) Act 1976 - Application for a Private Hire Driver Licence - Mr SH

The Sub-Committee considered a confidential report in respect of Mr SH, who had applied for a Private Hire Driver's Licence in the District of Chichester. The applicant was present at the hearing and was unaccompanied.

Mr Barson introduced the report. He drew attention to the provisions of the Local Government Act (Miscellaneous Provisions) Act 1976 that required that the Sub-Committee should not grant a driver licence unless the applicant was deemed to be a 'fit and proper' person. The term was intentionally broad to enable each application to be considered on its individual merits. He also referred to the test set out by James Button in his book 'Button on Taxis', which suggested that the test should be whether or not someone would allow a member of their family or someone they cared for to get into a vehicle with this person alone. In referring to the details in Mr SH's application form and supporting documents, which had highlighted that he had three current points on his driving licence for exceeding a 30mph speed limit, had two references from friends, that he had type 2 diabetes which was being managed and had therefore passed the DVLA Group 2 licence Medical Driver Standards examination. Mr SH had attended an interview with Mr Barson on 27 October 2016 and had been accompanied by his daughter who had translated as he struggled to hold a conversation in English. Mr Barson advised that a requirement for becoming a Private Hire Driver was that a driver must be able to communicate in English otherwise confusion could arise with customers. Mr SH lived in Southampton and had applied to the City Council for a Private Hire Driver licence, where he had failed the knowledge test on three occasions and his application had now expired.

Mr Barson informed the Sub-Committee that drivers must be able to communicate in English, otherwise not being able to understand passengers could lead to confusion. There were a number of reasons why Mr SH had considered himself to be a suitable applicant to be granted a licence. These included the award of a BTEC Introduction to the Role of the Professional Taxi and Private Hire Driver Level 2 Certificate, a three year Private Hire Driver Licence issued by Transport for London that had not required an English test, that he had passed the Southampton City Council's Driver Assessment test, and attendance at two English language courses.

Mr Barson asked a number of questions of Mr SH. Mr SH confirmed his name, date of birth and address. The reason for him applying to Chichester District Council for a Private Hire Driver's Licence was that although he had been granted a licence by Transport for London and had driven for Uber there. However, due to the distance of driving from Southampton to London to work, he had firstly applied to Southampton City Council and now Chichester as it was less distance than travelling to London and was a smaller City. If he was granted a Private Hire Driver's licence he intended to work for Uber in Chichester to begin with. With regard to the two English language courses he was currently attending, both courses lasted one year. He had already passed a number of the modules and had brought the certificates with him today.

He considered himself to be suitable to be a Private Hire Driver as since 2015, following the receipt of 3 points on his licence during 2014 for exceeding the speed limit, considered himself a good driver, and was good at helping people. When asked he agreed that communication and the ability to talk to passengers was an important part of the skillset for a Private Hire Driver. Although he knew the general direction of the Railway Station he did not know where other landmarks, such as the Cathedral, The Cross and the Hospital were when asked by Mr Barson.

Mr SH answered a number of questions from the Sub-Committee. He confirmed how he had travelled to today's hearing, although he could not remember the names of the minor roads leading into Chichester that he had travelled on; he advised that he had not yet sought employment in Chichester; when working as a Private Hire Driver in London he had used Googlemaps to negotiate around London; provided details of his current job; and that he had not carried on learning Southampton City Council's Knowledge test as Southampton was a big City.

The Chairman in his closing remarks commented that it had not been easy to understand Mr SH due to his poor grasp of the English language.

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.

RESOLVED

The Sub-Committee considered the application of Mr Haydari for a private hire licence under s.51 of the Local Government (Miscellaneous Provisions) Act 1976.

The Sub-Committee are all trained in licensing law and policy and are members of the full Licensing Committee. They considered the relevant law, their own local policies and the relevant Human Rights Act and Equality issues relating to this matter.

The Sub-Committee considered all written and spoken representations in respect of the application. It was noted that the right to an interpreter was expressly refused.

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 –

- 1) The DVLA record and the 3 points endorsement shown at appendix 4 of the report.
- 2) The references submitted at Appendices 7 and 8.
- 3) The English language qualifications achieved or being studied at present.
- 4) The history of applications to London and Southampton authorities.
- 5) The apparent level of local knowledge required to carry out the role of private hire licence holder.
- 6) The Spoken English and demonstrated understanding of English in the context of the hearing.

The Applicant showed an inability to understand basic questions phrased in the simplest English by the Licensing Officer or the Sub-Committee members. He answered several questions with answers which were unrelated to the questions being put to him. He also showed himself unaware of major local locations such as the Cathedral or St Richards Hospital. These factors were considered by the Sub-Committee to prevent the applicant being fit to act as a Private Hire Driver. They considered that it would prevent the applicant communicating effectively with hirers which was likely to cause conflict with hirers and the lack of local knowledge might even put hirers at risk of harm if they needed to be driven to medical facilities or to collect a child. Against the "Button" test outlined in the Licensing Officer's presentation, on the basis of all the above the Sub-Committee considered that they would not feel content to have a loved one being driven by the applicant.

Having taken all of the above into account the Sub-Committee therefore decided to REFUSE the application.

The meeting ended at Time Not Specified

CHAIRMAN

Date: