

Licensing Sub-Committee

Held at:	Remote meeting
Date	Tuesday, 10 November 2020
Present	Councillors Jim Martin, Ian Meyers and David Wimble
Apologies for Absence	None
Officers Present:	Kate Clark (Case Officer - Committee Services), Tim Hixon (Legal Specialist), Jack Pearce (Legal Trainee), Jemma West (Committee Service Specialist) and Briony Williamson (Licensing Specialist)
Others Present:	The applicant for Report DCL/20/27 and the applicant for Report DCL/20/29.

46. **Election of Chairman for the meeting**

Proposed by Councillor David Wimble
Seconded by Councillor Ian Meyers; and

RESOLVED:

That Councillor Jim Martin is elected as Chairman for this meeting.

47. **Declarations of interest**

There were no declarations of interest.

48. **Declarations of lobbying**

There were no declarations of lobbying.

49. **Exclusion of the Public**

Proposed by Councillor Ian Meyers
Seconded by Councillor David Wimble; and

RESOLVED:

That the public are excluded for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 1 of Part 1 of Schedule 12A to the Local Government Act

1972 –

‘Information relating to any individual.’

(Voting: For 3; Against 0; Abstentions 0)

Part Two – Exempt Information

50. New Private Hire Driver

Report DCL/20/27 considered whether a licence should be granted to a new Private Hire Driver.

The applicant was present and advised members of full time employment as a forklift driver along with regular school runs. The applicant left the meeting prior to members’ consideration and decision.

Members discussed the historic convictions and although there was mention of this applicant not meeting policy guidelines, members felt that the applicant seems to have learnt from past offences and matured. In this respect the general conclusion was that the applicant is a fit and proper person.

Proposed by Councillor David Wimble
Seconded by Councillor Jim Martin; and

RESOLVED:

- 1. That Report DCL/20/27 is received and noted.**
- 2 That the Private Hire driver’s licence is granted.**

(Voting: For 2; Against 1; Abstentions 0)

51. Review of a Taxi Driver Licence

Report DCL/20/29 considered whether action should be taken against a Private Hire driver’s licence.

The applicant joined the meeting, the Licensing Specialist then presented the report and showed video footage.

Members asked the applicant various questions on the reported allegations and aggressive behaviour towards members of the public and a district council staff member, as well as the speculation of drug use. The applicant then left the meeting after responses had been heard.

It was explained to members that if the applicant’s licence was revoked then his statutory right of appeal could be invoked. The Legal Specialist explained the appeal procedure and advised on the powers available to the court on hearing any appeal.

In determining the driver's fitness and propriety to hold a licence the following factors were considered:

- Aggressive and intimidating attitude demonstrated during telephone call with FHDC Customer Services Officer on 22 September 2020 and during interaction with controller of Folkestone Taxis on 17 October 2020.
- Concern regarding more than one allegation of drug use.
- Non-compliance with operator requirements to wear a face covering and to install a meter in the driver's vehicle.
- Two taxi firms said that they wouldn't give the driver further work due to his attitude.

Members agreed that in taking into account the above factors the applicant could not be deemed a fit and proper person to be a licensed driver.

Proposed by Councillor Ian Meyers
Seconded by Councillor David Wimble; and

RESOLVED:

- 1. That Report DCL/20/29 is received and noted.**
- 2. That the driver's licence is revoked.**

(Voting: For 3; Against 0; Abstentions 0)

52. New Private Hire Driver

Report DCL/20/28 reviewed whether a licence should be granted to a new Private Hire driver.

The applicant sent apologies for non-attendance. The applicant added a further statement advising in full time employment, a homeowner and sees this new Private Hire licence as a potential work stream in the light of possible pandemic restrictions.

Members agreed, that although the convictions listed are serious, they are historic and spent. In this respect members felt the applicant to be considered a fit and proper person.

Proposed by Councillor David Wimble
Seconded by Councillor Ian Meyers; and

RESOLVED:

- 1. That report DCL/20/28 is received and noted.**
- 2. The Private Hire driver's licence is granted.**

(Voting: For 3; Against 0; Abstentions 0)