



Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and time	MONDAY, 9 FEBRUARY 2015 COMMENCING AT 10.00 AM
Venue	CONFERENCE ROOM 4, FLOOR 4, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Colin Richards (Chairman), Reg Barry, Daryll Pitcher
Officers Present	Kayleigh Bowers, Amanda Gregory, Sarah MacDonald, Justin Thorne, Kevin Winchcombe

19. **Declarations of Interest**

There were no declarations received at this stage.

20. **To Consider an Objection Notice Received in Relation to a Temporary Event Notice Under Section 105 of the Licensing Act 2003 for Land at Eastern Gardens, Esplanade, Ryde, Isle of Wight**

This item was withdrawn prior to the commencement of the meeting.

21. **Exclusion of Public and Press**

RESOLVED :

THAT under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, namely minute number 21, on the grounds that there was likely to be disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act and in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

22. **Confidential reports of the Head of Planning and Regulatory Services**

(a) **To Determine an Application for a Hackney Carriage/Private Hire Driver's Licence (Driver A)**

The Sub Committee was advised that an application for a Hackney Carriage/Private Hire Driver's Licence had been received. However, due to the nature and dates of the applicant's previous convictions, it

was deemed appropriate that the application be determined by the Sub Committee.

The applicant outlined the reasons for the application and expanded on the matters that had given rise to his caution and convictions. Members then asked questions of the applicant.

The Sub Committee adjourned to private session.

Upon reconvening the Sub Committee, having considered the report of the licensing section, written and oral evidence from the applicant, and having regard to Part II Local Government (Miscellaneous Provisions) Act 1976 and the Isle of Wight Council Policy relating to the relevance of convictions dated February 2007, it was

RESOLVED :

THAT the applicant be granted a Hackney Carriage/Private Hire Driver's Licence for a period of 6 months, subject to a satisfactory medical report and knowledge test and with a written warning as to his future conduct.

Reasons: Having regard to the applicant's submissions, members considered that the offences in the main were historic. Members carefully considered the whole circumstances of the case and it was their view that, on balance, having regard to the applicant's family circumstances and his submission that he had made a fresh start, that they believed he was fit and proper. Members made their decision on balance and any further relevant conviction may mean that he would no longer be so.

In summary, members were satisfied that the applicant was a fit and proper person as required by s59 Local Government (Miscellaneous Provisions) Act 1976 to hold a Hackney Carriage/Private Hire Driver's Licence.

Conditions: Members advised officers that if there was any future concern about the behaviour or convictions of the applicant that it may be referred to committee if they wished.

In reaching the above decision, the Sub Committee had regard to the Human Rights Act 1998, and in particular Article 1 of the First Protocol, Article 8 and Article 6.

(b) **To Determine an Application for a Hackney Carriage/Private Hire Driver's Licence (Driver B)**

The Sub Committee was advised that an application for a Hackney Carriage/Private Hire Driver's Licence had been received. However, due to the nature and dates of the applicant's previous caution and convictions, it was deemed appropriate that the application be determined by the Sub Committee.

The applicant outlined the reasons for the application and expanded on the matters that had given rise to his caution and convictions. Members then asked questions of the applicant.

The Sub Committee adjourned to private session.

Upon reconvening the Sub Committee, having considered the report of the licensing section, written and oral evidence from the applicant, and having regard to Part II Local Government (Miscellaneous Provisions) Act 1976 and the Isle of Wight Council Policy relating to the relevance of convictions dated February 2007, it was

RESOLVED :

THAT the applicant be granted a Hackney Carriage/Private Hire Driver's Licence for a period of 6 months with a written warning as to his future conduct.

Reasons: Having regard to the applicant's submissions, members considered the relevant offences were in the main historic and accepted his version of the cautions in 2009. Members carefully considered the whole circumstances of the case and were concerned to note the convictions for not being insured, but it was their view, on balance, that the licence should be granted for 6 months. Members did believe that he had made a fresh start and was now reformed.

In summary, members were satisfied that the applicant was a fit and proper person as required by s59 Local Government (Miscellaneous Provisions) Act 1976 to hold a Hackney Carriage/Private Hire Driver's Licence.

Conditions: Members advised officers that if there was any future concern about the behaviour or convictions of the applicant that it be referred to committee if they wished.

In reaching the above decision, the Sub Committee had regard to the Human Rights Act 1998, and in particular Article 1 of the First Protocol, Article 8 and Article 6.

CHAIRMAN