

Licensing Committee

Friday, 4th October, 2013
2.30 - 4.00 pm

Attendees	
Councillors:	Garth Barnes (Chair), Diggory Seacome (Vice-Chair), Andrew Chard, Anne Regan, Rob Reid, Charles Stewart, Pat Thornton and Helena McCloskey (Reserve)
Also in attendance:	Councillor Penny Hall

Minutes

- 1. APOLOGIES**
Councillors Stennett, Walklett and Whyborn.
- 2. DECLARATIONS OF INTEREST**
None
- 3. PUBLIC QUESTIONS**
None
- 4. MINUTES OF MEETING HELD ON 6 SEPTEMBER 2013**
Councillor Helena McCloskey had attended as an observer at this meeting, and upon this amendment it was resolved that the minutes of the meeting held on 6 September 2013 be agreed and signed as a true record.
- 5. MINUTES OF SUB COMMITTEE MEETINGS**
None
- 6. REVIEW OF HACKNEY CARRIAGE DRIVERS LICENCE**
Amelia Byres, Senior Licensing Officer introduced the report as circulated with the agenda. This is a review of Mr Spicer's Hackney Carriage Driver's Licence.

Mr Spicer has convictions on his DVLA driving licence, the details of which are attached to the background report.

Mr Spicer received 6 points on his driving licence for driving without due care and attention. This was as a result of driving through a red light at a railway crossing. Amelia Byres confirmed that Mr Spicer contacted the Licensing Department straight away to advise them of the offence.

Mr Spicer attended the Committee and spoke in support of his licence. He said the offence occurred on a Sunday morning and there was no one else on the road. The railway crossing was manned and he was waved through even though the lights were red. As a result of this offence he had to go to Court and paid a fine of £1000.

Members asked the following questions:

- A Member stated they were happy that Mr Spicer had followed all of the correct procedures by way of getting in contact with the Licensing Department straight away.
- A Member raised concern about the offence and felt this was very serious and Mr Spicer should not do this again.
- Mr Spicer confirmed he had since been waved through again at the same crossing but had and would not go through the crossing if the lights were red.
- When asked, Mr Spicer said he was driving at 20mph when he drove through the crossing.
- When asked, Mr Spicer confirmed he had a passenger in his vehicle at the time of the offence.
- When asked, Mr Spicer advised that he did not have any other convictions for driving without due care and attention.
- A Member asked if any evidence had been received from the Railway Authority about this situation. The Member asked that if the barrier was not down and Mr Spicer had been waved through, why was he here in front of the Licensing Committee today.
- Mr Spicer confirmed there was no evidence given in Court and he had pleaded guilty.
- Amelia Byres advised the Committee that it is up to the driver to prove they are not guilty. As a result of the Court proceedings Mr Spicer received a fine and 6 penalty points on his DVLA driver's licence. It is now up to the Committee to make a decision about Mr Spicer's Hackney Carriage driver's licence.
- A Member stated that the driver is responsible for their own actions.
- Mr Spicer said the railway crossing had been manned and was waved through as the barriers were still up. For this reason he thought the signalman was letting him through and all was ok.
- A Member stated that when the traffic lights are red the driver should stop.
- A Member asked how Mr Spicer was prosecuted did a camera take a photograph of him crossing the barriers when the light was red?
- Mr Spicer confirmed that he was prosecuted by the British Transport Police.
- A Member suggested if Mr Spicer's Hackney Carriage driver's licence was to continue he should undertake a driver assessment.
- A Member expressed sympathy to Mr Spicer for the situation he was in but had to consider passenger safety.
- A Member reminded Mr Spicer that with 9 penalty points on his DVLA driver's licence he was in a vulnerable position.

Members were advised they had the following recommendations to vote on;

1. Mr Spicer's Hackney Carriage driver's licence be revoked as the Committee considers Mr Spicer not to be a fit and proper person to hold a Hackney Carriage driver's licence.
2. Mr Spicer's Hackney Carriage driver's licence be continued, but that he be required to successfully undertake, at his own expense, a road safety unit driver assessment within three

months of today's date and produce a driver assessment pass certificate to the licensing section.

Upon a vote it was (6 for 2 against)

RESOLVED, that Mr Spicer's Hackney Carriage driver's licence be continued, but that he be required to successfully undertake, at his own expense, a road safety unit driver assessment within three months of today's date and produce a driver assessment pass certificate to the licensing section.

7. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION

Unanimously agreed.

8. REVIEW OF PRIVATE HIRE DRIVERS LICENCE

Members were advised they had the following recommendations to vote on.

1. Mr Waring's Private Hire driver's licence be continued with no further action because the Committee is satisfied that Mr Waring is a fit and proper person to hold such a licence, or
2. Mr Waring's Private Hire driver's licence be revoked as the Committee considers Mr Waring is no longer a fit and proper person to hold a Private Hire driver's licence.

Upon a vote it was (0 for 8 against) that

Mr Waring's Private Hire driver's licence be continued with no further action because the Committee is satisfied that Mr Waring is a fit and proper person to hold such a licence

Upon a vote it was unanimously

RESOLVED, that Mr Waring's private hire driver's licence be revoked with immediate effect, but that if his situation changed with regard to his challenge of his caution he would need to make a new application and come back to this Committee.

9. ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION

That the thanks of the committee to Amelia Byres for her competent and efficient work in connection with licensing be put on record as she leaves the employment of the council to emigrate to Dubai.

10. DATE OF NEXT MEETING

1 November 2013

Garth Barnes
Chairman