

Full Licensing Committee

Friday, 16th December, 2022
2.00 - 4.45 pm

Attendees	
Councillors:	David Willingham (Chair), Angie Boyes (Vice-Chair), Barbara Clark, Tim Harman, Richard Pineger, Diggory Seacome and Izaak Tailford
Also in attendance:	Harry Mayo, Vikki Fennell, Claire Morris and Jason Kirkwood

Minutes

1. APOLOGIES

Apologies were received from Councillors Wheeler, Fisher and Sankey.

2. DECLARATIONS OF INTEREST

There were none.

3. MINUTES OF THE LAST FULL LICENSING COMMITTEE MEETING

The minutes of the meeting held on the 8th June 2022 were approved.

4. MINUTES OF SUB-COMMITTEE MEETINGS

Minutes of the Sub Committee Miscellaneous held on the 6th April 2022, 5th October 2022 and 2nd November 2022 were approved.

5. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE

The Licensing Team Leader introduced the report as published.

There were questions to the Officer after his report, the responses were as follows:

- Statements are treated as perjury if found to be malicious, can be dealt with as contempt.
- It is not a common scenario to have the amount of complaints that have been received by this particular driver.

The driver then was given his opportunity to address the committee and he made the following points:

- He has been a driver for thirty five years and although there had been difficulties over the years the decisions made at those committees had been over ridden,
- He stated that he has never been aggressive and had been told previously to stay in the car if there was a potential of an altercation.
- During the incident the other driver took photos without his permission.
- He said that he tried to avoid an incident with the other driver by walking away.
- He stated that the driver of the other vehicle had lied about what occurred.

- He was pleased that he had not argued with the other driver.
- He confirmed that he gets compliments from passengers all the time.

The responses to Member questions to the driver were as follows:

- Confirmation that he did not get out of his car until the other person walked away.
- The position of the drivers car in the road from the photographs was explained as the driver was trying to park his car and was prevented from doing so due to the position of the other vehicle.
- He stated that although he had been told by the committee in 2018 that dash cam footage should be made available he hadn't been able to provide it as the camera stops recording when the vehicle is stationary. In response to the point that the car was moving when the incident happened he said that there was no footage.
- It was explained that it is not normal to receive a statement to support a driver the same day as a complaint is made, the driver stated that he did not know the identity of the person who wrote a statement in support of him.
- The driver stated that all the spaces were taken on Pittville Street and that when he tried to move into the space he didn't know that the other driver was disabled. He did beep his horn but was not aggressive in anyway.
- He did not get out of the car until the other driver moved away.

The Chair pointed out that the case was based on two different stories from two different sides and that situation makes any decision hard. There were concerns regarding the drivers complaint history and the lack of dash cam footage.

When looking at how the case would be dealt with Members made the following points:

- To revoke the licence is too draconian, a suspension with training incorporated would be a better punishment.
- If the suspension is found to be a satisfactory punishment could the driver be sent on an anger management course.
- If suspension was found to be the way to go that there were 21 days for the driver to appeal the decision.
- It was again re iterated that the lack of dash cam footage is a problem as the vehicle was moving when the incident took place the driver should be able to provide that footage.
- The Licensing Team Leader stated that he had looked at anger management training courses and would find something suitable.
- The point was made that before the matter went to the vote the length of the suspension would have to be decided.
- It was suggested that the training would be delegated to officers and the suspension would be until that training is completed.
- The suggested conditions were to suspend the driver for a period of one month and delegate to officers to find the appropriate training for the driver to attend at his own expense. If the course is not completed satisfactorily then the driver is to be referred back to committee.

The matter then went to the vote to revoke

For: 0

Against: 6

Abstentions: 1

Then to the vote to suspend with the conditions as above:

For: 7

Against: 0

Suspended as per the conditions above.

6. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE

The Senior Licensing Officer introduced the report as published.

The video footage of the incident was then played.

In response to Member questions it was confirmed that the taxi was in an electric vehicle charging point.

The driver then addressed the committee and made the following points:

- He approached the car that was at the charging point and asked the driver when he was going to move his car as it was not an electric vehicle.
- The driver of the other car used obscenities towards him and pushed him, he pushed back and then punched him in self-defence.
- The driver of the other vehicle then threatened him with a spanner.
- He was questioned by the police on the matter as they had CCTV footage of the incident, he was then sent a victim support letter.
- He has been a driver for eight years and never received a complaint, from his point of view it was a one off situation, he does not condone violence and is not proud of what occurred.

The responses to Member questions were as follows:

- He has never had any warnings in relation to his conduct.
- He confirmed that he has done aikido and self-defence classes previously and the comment was then made that he dealt with the situation in a reasonable manner.

The matter then went to the debate where Members made the following points:

- The driver has shown integrity, it is his first time before the committee and he has shown remorse, regret and honesty.
- The driver showing this level of honesty is putting himself at risk to receive a punishment .
- Violence was involved but not in relation to his taxi driver skills and although violence in self-defence is not the answer it does seem that he was provoked.

The matter then went to the vote to take no further action:

For: 5

Against: 1

Abstain: 1

7. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION

There were none.

8. LOCAL GOVERNMENT ACT 1972 EXEMPT INFORMATION

The proposal was then made:

That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 1 and 2, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 1; Information relating to any individual

Paragraph 2; Information which is likely to reveal the identity of an individual

For: 7

9. EXEMPT MINUTES OF THE LAST FULL LICENSING COMMITTEE MEETING

The minutes were agreed and signed.

10. EXEMPT MINUTES OF SUB-COMMITTEE MEETINGS

The minutes were agreed and signed.

11. DATE OF NEXT MEETING

The next meeting is 1st March at 6pm.

David Willingham
Chairman