

Licensing Committee

Friday, 10th April, 2015
2.00 - 2.50 pm

Attendees	
Councillors:	Roger Whyborn (Chair), Diggory Seacome (Vice-Chair), Andrew Chard, Anne Regan, Rob Reid, Pat Thornton, Jon Walklett and Helena McCloskey (Reserve)
Also in attendance:	Phil Cooper, Licensing Officer, Vikki Fennell, Solicitor

Minutes

1. APOLOGIES

Apologies were received from Councillor Barnes.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. PUBLIC QUESTIONS

There were no public questions.

4. MINUTES OF MEETING HELD ON 6 MARCH 2015

The minutes of the meeting held on 6 March 2015 were approved and signed as a correct record.

5. REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE

The Licensing Officer, Phil Cooper, introduced the report and explained that Mr Mozir Choudhury was currently licensed as a hackney carriage driver in Cheltenham. He informed Members that in October 2014 Mr Choudhury reported to the council that he had been convicted of driving without due care and attention, for which 5 penalty points had been added to his driving licence. The matter was brought before the licensing committee in December 2014. After hearing the facts the committee determined that Mr Choudhury's hackney carriage licence should be permitted to continue without further action, but the committee required Mr Choudhury to undertake the approved road safety driving test within 3 months of the committee's decision.

Mr Choudhury had confirmed that he undertook the driving test on 3 March 2015 but failed that test. Details of the individual areas of failure were outlined at paragraph 1.5 of the report. Mr Choudhury has since confirmed that he was attempting the test again on 2 June 2015 and had asked for an extension of the time available for him to pass the test. He had also confirmed that he would take driving lessons to help him with the test.

The Officer advised that members needed to consider whether Mr Choudhury was a fit and proper person to hold a hackney carriage driver's licence and therefore whether to permit the licence to continue, or to revoke the licence if they considered that he was not a fit and proper person to hold the licence.

A Member asked whether the Committee had the option of adding a requirement that Mr Choudhury must successfully pass the approved road safety driving assessment test within a period of 3 months. In response the Licensing Officer referred to paragraph 5.3 of the report explaining that this option was available to the committee but they had already exercised this and Mr Choudhury had failed the test.

Mr Choudhury was invited to address the committee. He apologised for failing the test which he had found more difficult as it was a newly introduced test. He believed he would definitely pass the test next time and was taking driving lessons to facilitate this and just asked that his request for more time to do this be considered.

When asked by a Member whether the driving assessment test had changed, the Licensing Officer confirmed that this was the case. It had previously been a test arranged by the County road safety unit but as part of the Council's taxi policy review of 2014, a new test was adopted which is carried out by the Driver Vehicle Standards Agency. In response to a question Mr Choudhury confirmed that he had now taken the test four times. He explained that the serious faults in his recent test were failure to stipulate the speed limit on a dual carriageway and what documents should be carried by a driver at all times, both questions he had appeared to have misunderstood. He reiterated that this was a completely new driver test which was tougher than the old test. He confirmed that since the last committee hearing he had taken 3 driving lessons.

A Member asked that should Mr Choudhury's licence be revoked today, would he be free to reapply should he pass the test. In response the Licensing Officer confirmed that Mr Choudhury would be able to reapply but would have to submit a new application and undertake all of the new tests.

Having heard Member's questions and from Mr Choudhury the Chair outlined the rationale for a potential decision. Having failed the approved driver safety assessment test on several occasions it would appear that Mr Choudhury could not drive his vehicle safely and to do this would require more work. He was therefore not deemed to be a fit and proper person to drive a taxi on the road. Members supported this view and believed Mr Choudhury had been given the opportunity to pass the test over the last few months. Should he subsequently pass the test he would be able to apply for a new licence.

Mr Choudhury was then invited to address the committee for a final time. He pleaded for an extension to pass the test as his livelihood and family depended on it.

Members were advised that they had the following recommendations regarding Mr Choudhury's Hackney Carriage driver's licence to determine :

1. Permitted to continue with no further action taken because the Committee considers Mr Choudhury to be a fit and proper person to hold such a licence
2. Revoked because the Committee considers Mr Choudhury to no longer be a fit and proper person to hold such a licence
3. If the Committee determines that Mr Choudhury's licence should be revoked as he is not a fit and proper person, the Committee may also

consider whether that revocation should have immediate effect in the interest of public safety.

Upon a vote it was (7 in favour 0 against 1 abstention)

RESOLVED, that Mr Choudhury's Hackney Carriage driver's licence be revoked with immediate effect, in the interest of public safety, because the Committee considers Mr Choudhury to no longer be a fit and proper person to hold such a licence.

- 6. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION**
RESOLVED THAT in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining items of business 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, 2 and 7, part 1 Schedule 12A (as amended) Local Government Act 1972, namely:

- **Information relating to any individual**
- **Information which is likely to reveal the identity of an individual**
- **Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.**

- 7. RENEWAL OF PRIVATE HIRE DRIVER APPLICATION**

Members were advised that they had the following recommendations to vote on :

Mr Chimuka's private hire driver's licence be renewed with no further action taken because the Committee is satisfied he is a fit and proper person; or

Mr Chimuka's private hire driver's licence not be renewed on the grounds that he is not a fit and proper person under section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976.

Upon a vote it was (6 in favour, 2 against)

RESOLVED that Mr Chimuka's private hire driver's licence be renewed with no further action taken because the Committee is satisfied he is a fit and proper person

- 8. DATE OF NEXT MEETING**

1 May 2015

Roger Whyborn
Chairman