

## Full Licensing Committee

Wednesday, 1st September, 2021  
6.00 - 7.50 pm

Attendees	
<b>Councillors:</b>	David Willingham (Chair), Jonny Brownsteen, Steve Harvey, Tim Harman, Alisha Lewis, Diggory Seacome, Jo Stafford, Simon Wheeler and Suzanne Williams
<b>Also in attendance:</b>	Vikki Fennell and Louis Krog

### Minutes

- 1. APOLOGIES**  
Cllr Boyes gave her apologies.
- 2. DECLARATIONS OF INTEREST**  
There were none.
- 3. PUBLIC QUESTIONS**  
There were none.
- 4. MINUTES OF THE PREVIOUS MEETING**  
The minutes of the meetings held on 3 March and 9 June 2021 were approved.
- 5. MINUTES OF SUB-COMMITTEE MEETINGS**  
The minutes of the Licensing Alcohol and Gambling Sub-Committees held on 3 March and 22 June 2021 were approved and the minutes of the Licensing Miscellaneous Sub-Committees held on 7 April, 28 April and 7 July 2021 were also approved.
- 6. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE**  
The Licensing Team Leader introduced the report. Mr Khalid Mahmood holds Hackney Carriage Driver's licence HCD205 and has been licensed since 2018.

On 4 August 2021 Mr Mahmood reported to the Authority that he had received notice that 3 penalty points were to be imposed on his DVLA driving licence for a speeding offence, bringing his total number of points to 9. Details of the offences were attached as background papers. In light of the offences and the information provided, the matter was being referred to the Licensing Committee to allow Members the opportunity to consider whether Mr Mahmood was a fit and proper person to hold a licence.

In response to a Member question, the Licensing Team Leader confirmed that Mr Mahmood had advised the authority within the required 7 days and that the apparent delay was an administrative one.

Mr Mahmood addressed the Committee. He said he could not justify the points and could only apologise.

### **Member questions:**

In response to Member questions Mr Mahmood responded as follows:

- The first two offences were on the A40 road works where a different speed limit was in place. He was caught by camera at 2am. The last offence occurred when he was taking his son to the airport and he was caught by a mobile camera so incurred points.
- He had not undertaken a speed awareness course
- He could not defend the speed he was driving at but had informed the Council that he had been penalised with 3 points. The Licensing Officer confirmed this but did not know the actual speed he had been driving at.

### **Member debate**

Members raised the following points:

- That members had been lenient on points relating to the roadworks on the A40 in the past. This should therefore be considered when looking at his first two sets of points.
- They questioned by how much he was speeding as that was not apparent; although had it been by a significant margin he would have lost his licence. The committee focus was to decide if Mr Mahmood was a safe and proper person to drive a taxi and to ensure public safety. It would be for the court to remove his driving licence if there were further speeding offences.
- Revocation of the licence was deemed to be disproportionate as there were mitigating factors as Mr Mahmood had reported these offences to the Council himself, which many drivers did not.
- Members considered the options as outlined in para 1.4.2
- They noted that all 9 points had been accrued since 2018 . Mr Mahmood appeared to be saying he was unaware of where the cameras were located rather than staying within the defined speed limits so an enhanced driving test within 2 months seemed to be the appropriate option in this case.

The Chair proposed:

- To issue a written warning
- To do a private hire driving test within 2 months
- Delegation to officers
- To consider suspending until above completed

### **Applicant's response**

Mr Mahmood confirmed he had nothing more to add.

**The matter went to the vote:**

Vote on recommendation 1.4.1 - No action if the Committee think that Mr Mahmood is a fit and proper person to continue to hold his licence.

For : 0

Against : Unanimous

Vote on recommendation 1.4.2 :

a. Give a written warning

Against : 1

For : 8

b. The driver to pass an approved private hire test at the driver's own expense, within 2 months of their decision.

Unanimous

c. Suspend the licence until the test is completed.

Against : 3

For : 6

d. At the end of the 2 month period, if the course is not completed.

Suspend : For 4

Revoke : For 4

Abstention : 1

Chair casting vote to revoke

In conclusion the driver was given a written warning, instructed to do the enhanced test, suspended until the test is completed and if not completed within 2 months without good reason, Officers have the delegated authority to revoke the licence.

Vote on 1.4.3 to suspend with immediate effect:

Against : 7

For : 2

The Licensing Team Leader would write to explain the right to appeal within 21 days.

**7. CONSULTATION ON REVISED GAMBLING STATEMENT OF POLICY**

The Licensing Team Leader presented the paper. There was no further comment.

**8. TEMPORARY ADJUSTMENT TO LICENSED VEHICLE INSURANCE REQUIREMENTS**

The Licensing Team Leader presented the paper. There was no further action required.

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

There were none.

**10. LOCAL GOVERNMENT ACT 1972-EXEMPT INFORMATION**

**The committee approved the following resolution:-**

“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 paragraphs 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

**11. EXEMPT MINUTES OF SUB-COMMITTEE MEETINGS**

The exempt minutes of the Licensing Alcohol and Gambling Sub-Committee held on 3 March 2021 and of the Licensing Miscellaneous Sub-Committee held on 28 April 2021 were approved.

**12. DATE OF NEXT MEETING**

Wednesday 3 November 2021.

David Willingham  
**Chairman**