

## **LICENSING COMMITTEE**

### **Minutes of a meeting of the Licensing Committee held on Tuesday, 3rd March 2009 at 6.00 pm in the Reception Suite, Civic Offices, Telford**

**PRESENT:** V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), R.G.Chaplin, G.J.L.Davies, J.A.Francis, Y.C.Hicks, T.Kiernan and A.G.P.Williams.

#### **LC-54 MINUTES**

**RESOLVED** – that the minutes of the meeting of the Licensing Committee held on 24th February 2009 be confirmed and signed by the Chairman.

#### **LC-55 APOLOGIES FOR ABSENCE**

Councillors T.J.Hope, G.P.Hossell, A.A.Mackenzie, C.N.Mason, H.Rhodes, C.F.Smith and K.L.Tomlinson.

#### **LC-56 DECLARATIONS OF INTEREST**

None.

#### **LC-57 POLICY FOR DETERMINING THE GRANT, RENEWAL, SUSPENSION OR REVOCATION OF HACKNEY CARRIAGE/PRIVATE HIRE LICENCES WITH RELEVANCE TO CONVICTIONS**

The Committee considered the report of the Regulation & Resilience Manager which sought to obtain Members' approval of the Council's revised policy for determining the grant, renewal, suspension or revocation of a Private Hire Operator Licence, a Private Hire, Dual, or Hackney Carriage Driver Licence, or a Private Hire Vehicle, Hackney Carriage Licence where details of relevant criminal convictions had been brought to the attention of the Licensing Service.

The Committee was informed that following a previous review of Council conditions of licence in 2001 the Council had in place a policy for determining Private Hire and Hackney Carriage applications with relevance to convictions. Following the recent consultation, review and implementation on 1st December 2008 of the Council's Hackney Carriage and Private Hire policy and conditions of licence, the Licensing Service had reviewed and updated the policy and Members were referred to the latest updated policy attached at Appendix A to the report.

Members were further advised that under section 51 (1) Local Government (Miscellaneous Provisions) Act 1976, a council would on receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence provided that the council should not grant a licence (a) unless they were satisfied that the applicant was a fit and proper person to hold a driver's licence.

In addition, under of s.61 (1) of the Local Government (Miscellaneous Provisions) Act 1976, a council may suspend or revoke or (on application therefore under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the grounds stated within the relevant sections of the Act.

Members were reminded that when considering matters under the relevant legislation local authorities needed to have regard to the guidance contained in the Department of Transport Circular 2/92 and Home Office Circular 13/92 for the Disclosure of Criminal Records: Applicants for Hackney Carriage and Private Hire Vehicle Drivers' Licences and to Annex D of that Circular, namely the Guidelines Relating to the Relevance of Convictions. The Committee was informed that the proposed revised policy for determining applications with relevance to convictions was based on the guidelines relating to the relevance of convictions contained within these current publications.

The Council's policy on determining applications with relevance to convictions had been reviewed and updated in light of the recent review of policy/conditions of licence for Hackney Carriage and Private Hire Licences. Members were also informed that the list of offences included within the proposed policy had also been amended to reflect changes made with regard to named offences.

During the ensuing debate Members generally welcomed the newly revised policy however a member enquired as to whether the Committee was proscribed to accept in full the guidance contained within the policy and as to whether cases could not be determined on their individual merits as indicated within the report and as to whether this would be in contradiction to the Council priority of establishing a community that felt safe and protected. By way of response the Committee was advised that the policy was only guidance which could be departed from on a case by case basis. The main requirement was to determine whether a person was (or remained) a fit and proper person in accordance with the required legislation.

A member also enquired as to whether the Council had examined what other authorities had undertaken with any similar reviews. The Committee was advised that a number of Councils had reviewed their individual policies and that in the majority of cases had adopted a similar model policy. It was also questioned as to how often the policy document would be reviewed. The Licensing Operations Manager confirmed that all documents that were issued by the Licensing Authority were regularly reviewed and suggested that this policy document should be reviewed on an annual basis.

**RESOLVED – that the revised policy as outlined in Appendix A to the report (and attached to these minutes) be approved.**

The meeting ended at 6.20 pm

**Chairman:**

**Date:**