

SPECIAL LICENSING COMMITTEE

Minutes of the Meeting held on 22 September at 3.00 pm

Present:

Councillor H J W Davies Chairman
Councillor D J Westcott Vice Chairman

Councillor A P Hadley
Councillor E May

Councillor R P Lillis
Councillor D J Sanders

Also in Attendance:

Councillor A F Knight

Officers in Attendance:

Licensing Officer (K O'Sullivan)
Meeting Administrator (H Dobson)
Legal Advisor (R Pinney – Mendip District Council)

LEP7 Apologies for Absence

Apologies for absence were received from Councillors M O A Dewdney and P N Grierson.

LEP8 Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No	Description of Interest	Personal/ Prejudicial	Action Taken
Councillor D J Westcott	All Items	Watchet	Personal	Spoke and voted

LEP9 Public Participation

The applicant of the Hackney Carriage Driver Licence was in attendance to make a statement and answer questions.

LEP10 Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the meeting during consideration of Item 5 on the grounds that, if the press and public were present during that item, there would be likely to be a disclosure to them of exempt information of the class specified in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended.

The item contained information that could release confidential information relating to individuals. It was therefore proposed that, after consideration of all the

circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

LEP11 Hackney Carriage Driver Licence

(Report No. WSC 107/11, circulated with the agenda).

The purpose of the report was to determine an application for a Hackney carriage Driver Licence.

The Licensing Officer presented the report and advised that drivers of licensed vehicles were placed in a position of trust by the very nature of the work and often transport vulnerable persons unescorted. Therefore, the overriding concern when determining whether a person is fit and proper to hold such a licence is the health, safety and well-being of the general public.

Each case must be determined on its own merits taking into consideration all relevant factors, which can include mitigating circumstances, the persons age when the offence happened and any other issues the applicant may wish to provide to members.

The applicant made a statement outlining the circumstances of how the convictions came about.

Questions were put to the applicant to which he responded.

The Chair requested that the applicant retire from the room in order for Members to consider the application with the advice of the Legal Advisor.

During the Members' deliberations the following points were taken into consideration:

- Even though the conviction was not yet spent the Committee were able to consider the application.
- The applicant had paid back the monies that were not due to him before the case was put before the court.
- The age of the applicant, his previous employment and the fact that he had not had any other previous convictions were considered.
- The applicant had informed his prospective employer of the conviction.
- It was important that two references and a medical certificate were obtained.

Following this the applicant was invited to return and the Legal Advisor advised of the decision reached by the Committee.

RESOLVED that, subject to the receipt of a medical certificate and two references, the application for a Hackney Carriage Driver licence be granted, as submitted, with a written warning regarding the conduct expected of Hackney Carriage Drivers licensed by West Somerset Council.

The meeting closed at 3.45 pm.