

## **LICENSING SUB-COMMITTEE**

**Friday, 23 June 2017**

**Present: Councillor Nuttall (Chairman)  
Councillors Hill and Lidstone**

**Officers in Attendance:** Robin Harris (Senior Lawyer – Contentious), David Packham (Licensing Officer) and Mike McGeary (Democratic Services Officer)

### **DECLARATIONS OF INTEREST**

LSC3/17      There were no declarations of interest made, within the provisions of the Code of Conduct for Members.

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### **EXEMPT ITEM**

**RESOLVED** – That, pursuant to section 100A(4) of the Local Government Act 1972 and the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Act namely:

Paragraph (1) - Information relating to any individual.

Paragraph (2) - Information which is likely to reveal the identity of an individual.

Paragraph (7) - Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

### **REPORT OF HEAD OF ENVIRONMENT AND STREET SCENE**

LSC4/17      David Packham, Licensing Officer, presented a report, in which he explained how applicants for a hackney carriage and private hire driver licence were required to attend a seminar and also to pass a written knowledge test.

Mr Packham added that one particular applicant had failed to achieve the required pass rate for the written knowledge test, after seven attempts. He added that, under the conditions of the authority's licensing policy, the matter was required to be examined by this Sub-Committee, to determine whether the applicant could be considered a 'fit and proper person' to be a licence holder.

Mr Packham reminded the Sub-Committee members that the written test covered: the authority's Hackney Carriage and Private Hire Licensing Policy; customer care; and basic numeracy.

The applicant was given the opportunity to say why he had failed to meet the required pass rate on each occasion. He said that: (a) he always tried to do his best and had, with his first written test, been within one mark of the required pass level; (b) he had found it difficult to find sufficient time to prepare for each test as he worked full time in retail and had a young family;

and (c) he had asked for some relevant material which he could study before each re-take but had only been directed towards the Council's licensing policy – a 94-page document – which accounted for just three of the 15 test questions.

Members of the Sub-Committee then had the opportunity to ask the applicant for further background details and to judge whether there were any particular factors leading to his failure to reach the required pass level.

Robin Harris, the authority's legal advisor to the Sub-Committee, asked the applicant some specific questions from one of the written papers, to test his understanding of the issues. From this, the Sub-Committee heard evidence of some misunderstanding on the part of the applicant as to what information was being sought – and also some gaps in his knowledge of the licensing policy.

The Sub-Committee members then retired to determine the application, based upon the evidence presented to them.

**RESOLVED** – That the Sub-Committee provide the applicant with the opportunity to attend the next seminar, and to take written knowledge test no.4; if the applicant is successful and also meets the required standards, his application for a driver's licence will proceed but if he fails the written test, the Licensing Sub-Committee will have no choice other than to consider that he has an insufficient grasp of the responsibilities of a licensed hackney carriage driver and, as such, is not 'fit and proper' to hold such a licence, (under the definition proposed by Mr James Button, as set out in the agenda papers) and his application will be refused.

NOTE: The meeting concluded at 2.40 pm.