

**MINUTES OF A PANEL HEARING OF THE LICENSING SUB-COMMITTEE HELD AT THE  
COUNCIL OFFICES, STATION ROAD, WIGSTON ON TUESDAY, 31 JANUARY 2017  
COMMENCING AT 10.00 AM**

<p><b><u>IN ATTENDANCE:</u></b> Chair - Councillor G A Boulter</p> <p><b><u>COUNCILLORS (2):</u></b> Mrs L M Broadley R F Eaton</p> <p><b><u>OFFICERS IN ATTENDANCE (6):</u></b> Mrs T Aldwinckle                      D Gill                      J Mortell S J Ball                                      Lane                         Samuels</p> <p><b><u>OTHERS IN ATTENDANCE (1):</u></b> G S Atwal</p>
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<b>Min Ref.</b>	<b>Narrative</b>	<b>Officer Resp.</b>
1.	<p><b><u>ELECTION OF CHAIR</u></b></p> <p><b>RESOLVED THAT:</b> Councillor G A Boulter assume the Chair for the Panel Hearing.</p>	
2.	<p><b><u>APOLOGIES FOR ABSENCE</u></b></p> <p>An apology for absence was received from Councillor Miss A R Bond.</p>	
3.	<p><b><u>APPOINTMENT OF SUBSTITUTES</u></b></p> <p>Councillor R F Eaton substituted for Councillor Miss A R Bond.</p>	
4.	<p><b><u>DECLARATIONS OF INTEREST</u></b></p> <p>None.</p>	
5.	<p><b><u>MINUTES OF THE PREVIOUS LICENSING SUB-COMMITTEE PANEL HEARING HELD ON WEDNESDAY, 14 DECEMBER 2016</u></b></p> <p><b>RESOLVED THAT:</b> The Minutes of the previous Panel Hearing of the Sub-Committee held on 14 December 2016 be taken as read, confirmed and signed.</p>	
6.	<p><b><u>EXCLUSION OF PRESS AND PUBLIC</u></b></p> <p><b>RESOLVED THAT:</b> The press and public be excluded from the remainder of the hearing in accordance with section 100(A)(4) of the Local Government Act 1972 (Exempt Information) during consideration of the application below on the grounds that it involved the likely disclosure of exempt information as</p>	

	defined in the respective paragraph(s) 1, 3 and 7 of Part 1 of Schedule 12A of the Act and that, in all the circumstances, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.	
7.	<p><b><u>APPLICATION FOR A COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE</u></b></p> <p>The Panel Hearing was conducted <i>in camera</i>.</p>	
8.	<p><b><u>DECISION OF THE SUB-COMMITTEE</u></b></p> <p>In reaching the decision, the Panel had carefully considered the contents of the report(s) and the presentation given by the Licensing Enforcement Officer.</p> <p>The Panel also had regard to the written representation submitted by the applicant in advance of the hearing and his representation and character witness statements submitted.</p> <p>The Panel had regard to all the circumstances of the case and in particular the following matters:</p> <p>(a) The objectives of the licensing regime (as detailed in section 5.5 of the report) "which were plainly intended to ensure that those licensed to drive vehicles were safe drivers with good driver records and adequate experience, sober, mentally and physically fit, honest and were not persons who would take advantage of their employment to abuse or assault passengers" as stated by Lord Bingham LCJ in the case of <i>McCool -v- Rushcliffe BC 1998</i>;</p> <p>(b) The test of fitness and propriety of a person to be licensed as a private hire driver (as detailed in paragraph 5.6 of the report); and</p> <p>(c) The applicant's demeanour, appearance and behaviour when appearing before the Sub-Committee.</p> <p>The Panel carefully considered the various witness statements contained within the agenda pack which make a number of allegations about the applicant's character and the general tenor of those statements were that the applicant was/is not a fit and proper person to be granted a private hire driver's licence.</p> <p>The Panel were of the view that they preferred the statements of the witnesses who appeared to have no vested interest in making the statements particularly as the applicant presented no cogent rebuttal to Panel as to why those statements were made.</p> <p>The Panel was required to decide the issue of whether the applicant was/is a fit and proper person to hold a taxi drivers' licence on the balance of probabilities and in making that decision the Panel's one and only duty as Members of the Licensing Authority was/is to ensure the safety of the public.</p> <p>On balance and after considering all of the information presented to the Panel (including the applicant's representations) the Panel was not satisfied that the applicant was/is a fit and proper person in light of the fact that the applicant had not been able to dispel the concerns raised about his</p>	

	character in the witness statements. On that basis the application was <b>REFUSED</b> .	
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**THE MEETING CLOSED AT 12.41 PM**



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**CHAIR**  
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**WEDNESDAY, 01 FEBRUARY 2017**  
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