

MINUTES OF A MEETING OF THE LICENSING AND APPEALS COMMITTEE
HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE,
HADLEIGH ON THURSDAY 3 MAY 2012 (11 a.m.)

PRESENT: Mr P J Holbrook - Chairman

Mr J R B Cave
Mr P Jones

Mr R C Smith
Mr A J Ward

Also in attendance at the meeting were:-

Mr L Carvell (Licensing Officer, Place Directorate) to present Paper M14.
The Licence Holder
Ms C Whatling (Assistant Solicitor) Legal Adviser to the Committee

1 DECLARATION OF INTERESTS

None declared.

2 QUESTIONS FROM MEMBERS

None received.

3 EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

RESOLVED

That pursuant to Part 1 of Schedule 12A of the Local Government Act 1972, the public be excluded from the meeting for the business specified below on the grounds that if the public were present during this item it is likely that there would be the disclosure to them of exempt information as indicated against the item.

The Committee was also satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

4 REVIEW OF A PRIVATE OPERATOR'S LICENCE (Exempt information by virtue of Paragraphs 1 and 7 of Part 1)

Members had before them Paper M14 together with a copy of the Procedure for a Review Hearing, which had been circulated with the Agenda.

The Licensing Officer introduced Paper M14 asking the Committee to determine whether any suspension or revocation of the Private Hire Operator's Licence held by the Licence Holder referred to in the report was reasonably necessary pursuant to the relevant powers available to the Council, and responded to questions. Members were aware that the decision at an earlier hearing to take no action in respect of the Private Hire Operator's Licence held by him was accompanied by a strong warning about the future operation of his Licence.

The Licence Holder then addressed the Committee to explain the circumstances which had led to the current review, and responded to questions from Members.

The parties were given the opportunity to provide closing comments to the meeting, following which they withdrew to enable the Committee to deliberate the matter.

The parties were then called back into the meeting and the decision of the Committee was notified. Members in reaching their conclusion were mindful of the Licence Holder's explanation of the circumstances and of the human rights implications and the problems which might be caused for the Licence Holder, his business, and those working for him. However, the Committee considered that its duty to have regard for the safety of the public was paramount, and found that the actions of the Licence Holder and his non-compliance with the relevant provisions had invalidated his insurance and put the public at risk. The unanimous decision of the Committee therefore was to revoke the Operator Licence.

RESOLVED

That the Private Hire Operator's Licence held by the person referred to in Paper M14 be revoked on the grounds of 'any other reasonable cause' pursuant to section 62(1)(d) of the Local Government (Miscellaneous Provisions) Act 1976.

The business of the meeting was concluded at 12.35 p.m.

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Chairman