

LICENSING SUB-COMMITTEE**25 May 2012**Attendance:

Councillors:

Izard (Chairman) (P)

Mason (P)

Pearce (P)

Officers in Attendance:

Miss C Stefanczuk (Licensing Officer)

Mrs C Tetstall (Property & Licensing Solicitor)

Mrs A Taylor (Licensing Officer)

1. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following item of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Review of Hackney Carriage and Private Hire Driver's Licence) Information relating to any individual (Para 1 Schedule 12A refers)
) Information which is likely to reveal the identity of an individual (Para 3 Schedule 12A refers)
) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)

2. **REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE**

(Report LR381 refers)

The Sub-Committee considered the above Report, which set out the circumstances surrounding a review of a Hackney Carriage and Private Hire Driver's Licence (detail in exempt minute).

The meeting commenced at 10.20am and concluded at 11.05am.

EXEMPT MINUTE – NOT FOR PUBLICATION

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3. **REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE**

(Report LR381 refers)

Present at the hearing was the subject of the review, Mr Saleemi (a Winchester City Council licensed hackney carriage and private hire driver) and his representative, Mr Baker of GMB Union (Southern Region).

Miss Stefanczuk summarised the Report and explained that in February 2012 Mr Saleemi was convicted for purchasing alcohol on behalf of persons under 18.

It was explained that the Council had a duty to consider whether a person was "fit and proper" to hold a hackney carriage and private hire driver's licence and the Head of Legal Services considered that Mr Saleemi's case should be referred to the Licensing Sub-Committee for a decision on whether his licence should be revoked, in light of the seriousness of the conviction. Miss Stefanczuk also highlighted the Government's work against underage drinking.

Miss Stefanczuk added that suspensions were usually only applied in cases where time was required to improve the driver's skills (for example, through additional training) or where further information was awaited (for example, the outcome of a police investigation). A suspension should not be applied purely as a punishment and Miss Stefanczuk suggested that, in this case and given Mr Saleemi's earlier suspension, it was unlikely to have an effect on whether Mr Saleemi was a fit and proper person to hold a licence.

Mr Saleemi explained the detailed circumstances of his conviction. In summary, on the advice of his solicitor, he had pleaded guilty to purchasing alcohol for underage persons, but these persons were not passengers in his taxi.

However, Members noted that it was not the Sub-Committee's role to re-examine in detail the circumstances of Mr Saleemi's case, or whether the alcohol was bought for passengers or not. Mrs Tetstall explained that the Sub-Committee's role was, instead, to consider whether the conviction affected whether Mr Saleemi was a fit and proper person to hold a licence.

Mr Baker underlined that the under aged persons were not Mr Saleemi's passengers and that the offence was a spur of the moment indiscretion that had not happened previously, nor was one that was likely to be repeated. Mr Baker also outlined Mr Saleemi's domestic arrangements and highlighted the financial consequences of revoking his licence.

In response, Miss Stefanczuk explained that Case Law had demonstrated that Licensing Authorities were under a duty to place greater weight on the protection of the public, rather than the driver's ability to earn a living.

In summing up, Miss Stefanczuk reiterated the recommendation to revoke the licence, over a possible suspension or penalty points.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that, in reaching its decision, the Sub-Committee had given careful consideration to all the issues set out in the Report and matters raised during the hearing.

He explained that the Sub-Committee had agreed with the Head of Legal Services that Mr Saleemi's conviction was, in the interests of protecting the public, totally unacceptable for a licensed driver, which was in a position of trust and a representative of the Council. Although the Sub-Committee were sympathetic to the possible financial impact the revocation could have on Mr Saleemi's family, the Sub-Committee did not consider that a suspension was appropriate in this case. Therefore, given the seriousness of Mr Saleemi's conviction, it was agreed to revoke his licence.

The Chairman explained that Mr Saleemi would receive written confirmation of this decision along with all parties' right to appeal to the Magistrates Court within 21 days.

RESOLVED:

That Mr Saleemi's Hackney Carriage and Private Driver's Licence be revoked for the reasons set out in the Report and above.

Chairman