

LICENSING SUB-COMMITTEE

4 December 2012

Attendance:

Councillors:

Mather (Chairman) (P)

Laming (P)

Mason (P)

Officers in Attendance:

Mrs A Taylor (Licensing Officer)

Mr J Myall (Licensing and Registration Manager)

Mrs C Tetstall (Licensing Solicitor)

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 items 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>
##	Private Hire Driver's Licence Application) Information relating to any) individual (Para 1 Schedule) 12A refers))) Information which is likely to) reveal the identity of an) individual (Para 2 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. **APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE APPLICATION**
(Report LR399 refers)

The Sub-Committee considered the above Report, which asked the Sub-Committee to consider whether the applicant for a private hire driver's licence was a fit and proper person to hold such a licence (detail in exempt minute).

The meeting commenced at 10.00am and concluded at 11.00am.

EXEMPT MINUTE – NOT FOR PUBLICATION

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3. **PRIVATE HIRE DRIVER'S LICENCE APPLICATION**
(Report LR399 refers)

Present at the hearing was the applicant, Mr Jaspal Singh Sanghera and his legal representative, Mr Paveley.

Mrs Taylor set out the circumstances of the application, as detailed in the Report. She explained that as a routine part of the application process for the Licence, checks had been made with the Driver and Vehicle Licensing Agency (DVLA) and the Criminal Records Bureau (CRB).

The enhanced CRB disclosure returned nine offences committed between 1997 and 2008. The most serious of these related to a conviction for wounding with intent to do grievous bodily harm in 1998 and a conviction for battery in 2007. The other convictions related to motoring offences and possession of a controlled drug.

The DVLA check confirmed that Mr Sanghera had been disqualified from driving for six months in 2010 after receiving 12 points in a 3 year period.

Mrs Taylor explained that, under the terms of the Council's private hire driver's application procedures, the convictions and driving offences were sufficiently long ago as to be considered spent. However, it remained the Council's duty to consider whether a person was "fit and proper" to hold a hackney carriage and/or private hire drivers licence. Although no formal definition of "fit and proper" existed, the test set out by James Button in his book "Button on Taxis" suggested that the test should be whether you would allow a member of your family or someone you cared for to be alone in a car with this person.

Mrs Taylor concluded that it was the Head of Legal Service's recommendation that, in light of the serious nature and accumulation of Mr Sanghera's offences, the Sub-Committee should determine whether Mr Sanghera was a fit and proper person to hold a private hire driver's licence.

During questions to Mrs Taylor regarding the information set out in the Report, Mr Paveley explained that, although he admitted all the other offences set out in the Report, Mr Sanghera did not recognise the conviction set out in Appendix 2 from PC Read, relating to verbal abuse of a Police Officer.

Mr Paveley questioned Mr Sanghera to demonstrate his view that, in summary, Mr Sanghera was a changed character from when the offences were committed and that he now had too much to lose from re-offending. Therefore, the Sub-Committee noted that Mr Sanghera was now married with two children and two mortgaged properties (one of which he let out). Mr

Sanghera works as a delivery driver, during which he has been entrusted with the keys to several premises.

In response to questioning, Mr Sanghera explained how he regretted the offences committed and how they had haunted his subsequent employment opportunities. He explained that the GBH offence related to a case of bullying at sixth form college (he had bitten part of the aggrieved's ear off) and that the offence of battery related to a former partner.

Mr Sanghera explained that he wanted to become a taxi driver following a recommendation from his neighbour (the owner of City Taxis) and he considered that the career would lead to a better life for him and his family. He explained that in 2009 he contacted the Licensing Team at Southampton City Council in respect of an application, but had been advised that, due to his previous convictions, he was unlikely to be granted a licence at that time. After an opportunity to open a Subways franchise with a friend had failed, he contacted Winchester's Licensing Team regarding a private hire driver's licence. At that initial discussion, he was advised by Mrs Taylor (who was unable to confirm the details of Mr Sanghera's convictions) that the Council's policy stated that "a minimum of between three and eight years free of conviction should be shown before an application is considered". Therefore Mr Sanghera was advised that it could be 2015 before he could be considered for a licence. However, the details of Mr Sanghera's convictions later confirmed that the latest offence (for battery in 2007) attracted a 3 year period during which an application would not be considered. Therefore, under the terms of the Council's licensing policies, Mr Sanghera's convictions were spent.

In response to questions, Mr Sanghera explained that the driving convictions had been accrued whilst working as a delivery driver and related to an accumulation of points for speeding and using a mobile phone whilst driving.

In summing up his client's case, Mr Paveley suggested that Mr Sanghera was a changed character now and that waiting another 2-3 years would not make him anymore a fit and proper person than he currently was. He now had commitments and responsibilities and had demonstrated maturity through his job. Mr Sanghera had come from a disadvantaged background and had learnt from his previous mistakes. To illustrate his point, Mr Paveley recounted to the Sub-Committee his own experiences of a school trip to the British Museum where the behaviour of the class joker had been transformed by the trust one of the curators had placed upon him with a valuable ostrich's egg.

The Sub-Committee retired to deliberate in camera.

In her 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 the matters raised during the hearing.

She explained that the Sub-Committee had decided to refuse the private hire driver's licence application. The Sub-Committee considered that Mr Sanghera's history of serious convictions and driving offences illustrated a pattern of behaviour which failed to demonstrate to the Sub-Committee that Mr

Sanghera was a fit and proper person to hold a private hire driver's licence, using the test devised by James Button. For this reason, the Sub-Committee resolved to depart from the Council's Statement of Licensing Policy 2012 and refuse the application.

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

RESOLVED:

That the application for a private hire driver's licence by Mr Sanghera be refused for the above reason.

Chairman