

29 JUNE 2007

**NEW FOREST DISTRICT COUNCIL**

**LICENSING SUB-COMMITTEE**

Minutes of a meeting of the Licensing Sub-Committee held at Appletree Court, Lyndhurst on Friday, 29 June 2007.

**Councillors:**

p G C Beck  
P J AG Hutchins  
p Mrs B Smith

**Officers Attending**

Miss J Debnam, A Hetherington and Miss G O'Rourke.

**Also Attending:**

Mr White (Report B)  
Mr Macnamara (Report C)

**1. ELECTION OF CHAIRMAN.**

**RESOLVED:**

That Cllr Beck be elected Chairman of the Sub-Committee for this meeting.

(Cllr Beck in the Chair).

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest in connection with any agenda item.

**3. MINUTES (PAPER A)**

**RESOLVED:**

The minutes of the meeting held on 16 April 2007 were confirmed.

**4. APPLICATION TO CONSIDER THE GRANT OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS' LICENCE (REPORT B)**

The Sub-Committee considered an application from Mr White for a Hackney Carriage and Private Hire Vehicle Drivers' Licence. The Application was before them on the grounds that Mr White had accepted a police caution in

May 2006 and the Council's policies required any conviction for an offence including violence should be followed by a three-year period, without further conviction, before consideration should be given to granting a licence.

The Local Government (Miscellaneous Provisions) Act 1976 Section 51 required the Licensing Authority to be satisfied that that the Applicant was a "fit and proper person" to hold a drivers licence.

Whilst the caution that Mr White had received was not a conviction in the technical sense, he had admitted that he had committed a criminal offence against a minor. The Sub-Committee felt that the Council's policies relating to potential applicants having convictions for violence was relevant. Bearing in mind that Private Hire and Hackney Carriage drivers had close contact with the public, they considered that an assault such as this had to be taken into account when deciding whether an applicant was a fit and proper person.

**RESOLVED:**

That the application from Mr White for a Hackney Carriage and Private Hire Vehicle Drivers Licence be refused.

**5. APPLICATION TO CONSIDER THE GRANT OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS' LICENCE (REPORT C)**

The Sub-Committee considered the applications from Mr MacNamara for a Hackney Carriage and Private Hire Vehicle Drivers' Licence. The Council's policies required that a Criminal Records Bureau check, or equivalent, should establish that the applicant had no unspent convictions. In this applicant's case he had spent a number of years working abroad, for which he was able to provide written proof that he had no criminal convictions. However, there was a subsequent period in which the applicant had been touring on a private boat, not resident in any particular area, and for which therefore the records were incomplete.

The Sub-Committee considered the other evidence which was submitted to assist them in the judgment that they must make under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, in order that they may be satisfied that the applicant was a "fit and proper person" to hold a driver's licence.

Having considered all the available evidence it was,

**RESOLVED:**

It was resolved that the applicant is a fit and proper person to hold a driver's licence and the application therefore be approved.

CHAIRMAN

(LSC29/06/07)