

18 DECEMBER 2008
NEW FOREST DISTRICT COUNCIL
LICENSING SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held at Appletree Court, Lyndhurst on Tuesday, 18 December 2008.

Councillors:

p W H Dow
p A E J Shotter

Councillors:

p S S Wade

Officers Attending

Ms M Stephens and E Williams.

Also Attending:

Mr Marshall - Applicant (Report A).

G Gosheron (Observer).

1. ELECTION OF CHAIRMAN.

RESOLVED:

That Cllr W H Dow be elected Chairman of the Sub-Committee for this meeting.

(Cllr Dow in the Chair).

2. DECLARATIONS OF INTEREST.

No declarations of interest were made by members in connection with any agenda items.

3. TO CONSIDER THE APPLICATION OF A PRIVATE HIRE VEHICLE DRIVER LICENCE AND THE RENEWAL OF A PRIVATE HIRE OPERATORS LICENCE (REPORT A).

The legal advisor informed the Sub-Committee that he needed to give members advice in private session that was relevant to the determination of whether the applicant was a fit and proper person to hold a licence.

Following this advice the Chairman of the Sub-Committee proposed that the Sub-Committee move into private session:

RESOLVED:

That, under Section 100 (A)(4) of the Local Government Act 1972, the public and the Press be excluded from the meeting for the following item(s) of business on the grounds that it(they) involve(s) the likely disclosure of exempt information as defined in paragraph 1 & 3 of Part 1 of Schedule 12A of the Act and the public interest in maintaining the exception outweighs the public interest in disclosing it.

After receiving advice from the Legal Advisor the Sub-Committee moved back into public session.

The legal advisor gave details of the relevant offence to the Sub-Committee. The offence was for burglary and theft of a non-dwelling. The date of conviction was 18 June 2007 of which a conditional discharge of 24 months was given.

Mr Marshall in presenting his case gave particulars relating to events leading up to his conviction for burglary and theft. Mr Marshall said that not long before this incident he had separated from his wife of 22 years and his eldest son, then 18, had found this situation very difficult. Mr Marshall explained that at this time he was living in Maidstone and his son and friend had been visiting him there. Mr Marshall and his son and friend had been out in the evening drinking, and had visited a local snooker hall but, upon arrival were told the hall was closed. When outside the premises, Mr Marshall's son had taken a barrel of beer which had been left outside the premises, despite Mr Marshall's pleas not to do so. Mr Marshall explained that the proprietor of the snooker hall had then called the Police and Mr Marshall and his son were arrested.

Mr Marshall then explained that in acting as an overprotective father, he told the Police that he had stolen the alcohol not his son. His son was due to go to university and he did not want this to impact on his son's future. In hindsight he said that this might not have been a sensible thing to do if it meant it would jeopardise his chances of being granted a taxi drivers licence.

In response to members' questions, Mr Marshall said that he had made an error on his application form, namely that he had not ticked the necessary boxes relating to the disclosure of his motoring offences. He also said that the date relating to his current employment was incorrect. That he had been a self-employed dietician from 2007 -2008 not from 2002 as stated on the form.

Members asked Mr Marshall to explain his previous experience and employment, as this was not clear from his application form. Mr Marshall said that he had driven a mini cab in London for 4-5 years. This had been with a firm of good reputation with an exclusive client base. He said that he had gained good experience and knowledge of the trade whilst working in London and felt that he had good customer service skills.

Mr Marshall explained that he had been living in Bournemouth for over a year and during that time and trained and worked as a dietician and health councillor. He had started a business with his fiancée. Whilst establishing this business, Mr Marshall had worked with Interlink delivering parcels of varying value and had finished employment with them in the summer of this year. Interlink had recently approached Mr Marshall for further employment. Mr Marshall expressed the view that this showed him to be trustworthy. Mr Marshall further added that he understood that his application form did not highlight his previous employment, but that he had made an unfortunate error and that this had not been done to mislead the Council in any way.

Members queried how long Mr Marshall had known his two referees as they felt that there were some inconsistencies within the applicant's documentation. Mr Marshall said that he had known both referees for a number of years, socially through friends.

In summing up Mr Marshall said that although he had made some errors on his application form, in particular omitting his motoring offences, the dates of his current employment and lack of information relating to his previous employment, he had not done so to mislead the Council and he therefore still believed that he was a fit and proper person to work as a taxi driver.

In coming to their decision, the Sub-Committee considered all the evidence contained in the papers and presented on the day.

RESOLVED:

That the application for Hackney Carriage and Private Hire Vehicle Driver Licence be refused.

CHAIRMAN

(LSC181208)