

LSC MIMMIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 6 SEPTEMBER 2023

Attendees:

Committee Members:	Councillors English, Mrs Robertson and Springett (Chairman)
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21. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Hinder.

22. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor English was present as a Substitute Member for Councillor Hinder.

23. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Springett be elected as Chairman for the duration of the meeting.

24. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

25. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

26. EXEMPT ITEMS

RESOLVED: That Item 7 – Determination of an application for a private hire driver’s licence be taken in private due to the possible disclosure of exempt information, for the reasons specified having applied the public interest test.

27. EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED: That the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information for the reason specified, having applied the public interest test:-

Head of Schedule 12 A and Brief Description

Item 7 – Determination of an application for a private driver’s licence

Paragraph 1 – Information relating to any individual

Paragraph 2 – Information which is likely to reveal the identity of an

individual

Paragraph 3 – Information relating to the financial and/or business affairs of an individual (including the authority holding that information)

28. DETERMINATION OF AN APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

The persons participating in the hearing were identified as follows:

1. Chairman – Councillor Springett
2. Sub-Committee Members – Councillors English and Robertson
3. Senior Licensing Officer – Lorraine Neale
4. Legal Advisor – Helen Ward
5. Democratic Services Officer (training) – Jordan Ifield
6. Principal Democratic Services Officer – Oliviya Parfitt
7. The Applicant and their representative.

All parties confirmed that they were aware of the sub-committee hearing procedure and that they had each received a copy of the hearing procedure document.

The Sub-Committee Members confirmed that they had read the papers regarding the hearing.

The Chairman explained that:

- The Sub-committee would allow all parties to put their case fully and make full submission within a reasonable time frame.
- The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross-examination within a reasonable timeframe.
- Any person attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) after which, such person may submit to the Sub-Committee any information which that person would have been entitled to give orally had the person not been required to leave the meeting. If this was not possible, they may be permitted to speak at the Chairman's invitation.

The Senior Licensing Officer introduced the report and asked the Licensing Sub Committee to determine the application, with the available options outlined.

The applicant's representative outlined the applicant's opening remarks and provided further context and information on the report.

The applicant's representative responded to questions from the panel and the legal advisor on behalf of the applicant, regarding the report and made a closing statement.

The Chairman advised that the sub-committee would retire for deliberation with the legal officer present. The meeting was adjourned between 11.00 a.m. to 11.42 a.m.

The sub-committee reconvened at 11.42 a.m. and the Chairman stated the sub-committee had decided to refuse the application after considering the information provided, government guidance and the Council's Hackney Carriage and Private Hire policy. The written decision would be circulated in due course.

RESOLVED: That the application be refused.

(See Notice of Determination)

The hearing closed at 11.45 a.m.