

MINUTES of the meeting of the Licensing Committee held on 30 January 2007 at 7.09 p.m.

Present: Councillors Robert Gledhill, Peter Harris, Mrs Margaret S Jones, Val Liddiard and Neil Rockliffe.

Apologies: Councillors Emma Woods (Chair) and Ben Maney (Vice-Chair)

In attendance: John Williamson – Licensing Officer
Phil Easteal – Team Leader, Regulatory Services
Louise Sugrue – Solicitor
Jamie Hollis – Lawyer
Steve Jones – Principal Democratic Service Officer
Beverlee Clarke – Senior Democratic Services Officer

10. APPOINTMENT OF CHAIR

Nominations were sought from Members of the Committee to appoint a Chair for the Committee for the duration of the meeting only, to consider the business on the Agenda.

It was proposed by Councillor Liddiard, seconded by Councillor R Gledhill and unanimously agreed:-

“That Councillor N Rockliffe be appointed Chair of the Licensing Committee for the duration of the meeting only”.

RESOLVED:-

That Councillor N Rockliffe be appointed Chair of the Licensing Committee for the duration of the meeting only.

Councillor Rockliffe took the Chair.

11. MINUTES

The Minutes of the Licensing Committee, held on 27 September 2006, were approved as a correct record.

12. ITEMS OF URGENT BUSINESS

The Chair advised the Committee that he had not agreed to the consideration of any items of urgent business.

13. DECLARATION OF INTERESTS

Councillor Gledhill declared a personal interest as he believed that the Applicant's representative was a Party member elsewhere and had seen him before at a Conference.

Councillor Mrs. Jones declared a personal interest as she had met the Applicant's representative but could not say that they knew each other.

Councillor Rockliffe declared a personal interest as he had met the Applicant's Solicitor a couple of times at Party Conferences.

14. EXCLUSION OF PRESS AND PUBLIC

The Committee was requested to consider the exclusion of the press and public from the meeting during the consideration of the following item. It was proposed by Councillor Liddiard that the press and public be excluded from the meeting during the consideration of Item 5 of the Agenda and Councillor Gledhill seconded the motion.

RESOLVED:

That the press and public be excluded during the consideration of the following item on the grounds that it might disclose exempt information relating to an individual in respect of which a claim to the Legal Professional privilege could be maintained.

15. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE – MR COLIN DOVER.

The Chair introduced the item and invited the Members of the Committee to introduce themselves. Officers supporting the Committee were then introduced to all parties.

The Chair then requested those persons representing the Licensing Department to introduce themselves and advise of any witnesses they intended to call.

Mr David Hook, Advocate instructed to appear on behalf of the Licensing Department introduced himself and John Meddings of the Licensing Department who would have presented the application were Mr Hook not instructed. Mr Hook informed the committee that he intended to call two principal witnesses, the Hackney Carriage Licensing Officer for Thurrock Council and an individual who was referred to in the papers as a witness of an alleged incident on the 29 November 2006.

The Applicant's representative was invited to introduce himself and the Applicant.

Mr David Dadds, Advocate for the Applicant from Palmers Solicitors introduced himself and the Applicant himself, Mr Colin Dover.

The Chair explained the Order of the Hearing.

Mr Dadds interjected, on a procedural point, in relation to one of the witnesses being called by the Licensing Department, stating that his client had not received a statement of what the witness would be saying, or been given the opportunity to respond to the allegations contained within the statement. It was noted that details of the allegation were contained within the Officer's report.

The meeting was adjourned at 7.23 pm and all parties left the room. The Clerk and Legal advisers, together with Mrs B Clarke, remained with the Committee.

Having taken advice from the attending Solicitor for the Committee, the meeting was reconvened at 7.42 pm. All parties returned to the Chamber.

The Chair apologised for the delay stating that for clarity, paragraph 3.2.2 on page 11 of the Agenda stated that Thurrock Council would submit an agenda of the complaints and may also call upon an independent witness. Furthermore, the Chair stated that the Committee would keep an open mind with regard to the allegation in the interest of fairness and natural justice. The Chair highlighted the fact that the applicant and his representative would have an opportunity to question the witnesses.

Mr Hook, on behalf of the Licensing Department introduced the report, which requested the Committee to determine an application for the grant of a licence to drive Hackney Carriage / Private Hire vehicles.

It was reported that the hearing was required to determine whether the Committee were was satisfied that the applicant was a 'fit and proper person' to hold such a licence, as in line with approved procedures, the Head of Strategy Environment and Development Services, had referred the matter to the Committee.

The Licensing Officer provided Members with a brief overview of the application and the history regarding it. Both Mr Hook and the Licensing Officer responded to questions from Members and from the Applicant's Solicitor.

The Applicant's representative, was concerned that the Licensing Department had stated that he and his client had been given a list of complaints, but that neither had received prior disclosure of the complete list, specifically incidents prior to 2004. Furthermore, it was

felt that the applicant could be prejudiced if the list were to be copied for them at this juncture, he would have to take instruction and that would be deemed to be improper. Mr Dadds insisted that there had been sufficient time for the Licensing Department to send the complete list to both the applicant and himself. Furthermore, Mr Dadds stated that requests under the Freedom of Information Act had been made on behalf of the applicant. In addition there were a number of procedural points that he believed disadvantaged and prejudiced his client because there were allegations of other complaints that his client were not aware of.

Mr Hook requested the Applicant confirm that he had no knowledge of the March 2003 incident, despite receiving disclosure pursuant to the Freedom of Information Act. Mr Hook informed the Committee that March 2003 had been specifically drawn to the Applicant's Solicitor's attention because it had been an extra matter that had come to light when the file had been prepared under the Freedom of Information Act.

The meeting adjourned at 7.58 pm and all parties left the room. The Clerk and Legal advisers, together with Mrs B Clarke, remained with the Committee.

Having taken advice from the attending Solicitor for the Committee, the meeting was reconvened at 8.20 pm. All parties returned to the Chamber.

Through the Chair, Mr Hook requested the opportunity to address a matter in that when he had addressed the Committee he had understood that Mr Dadds had been given the current list that had been received that evening. He had since understood from officers, that this had not been the case. For clarification, in the Freedom of Information disclosure that Mr Dadds had sought, only 2004 and onwards had been requested.

The Chair addressed Mr Dadds stating that he had highlighted three statements, those dated 8 March 2003, 13 March 2003 and 18 March 2003 and asked if his client would be happy to proceed with those three statements struck out.

Mr Dadds confirmed that his client was happy to proceed on this basis. The Licensing Department also confirmed they were in agreement to proceed on this basis.

Mr Dadds continued to ask questions of the Licencing Department.

The Licensing Department called their first witness, the Hackney Carriage Licensing Officer for Thurrock Council. The applicant, through his representative, was offered the opportunity to question the

witness. Members of the Committee were also offered the opportunity to question the witness.

The Licensing Department then proceeded to call their second witness, as referred to in the Agenda. Upon completion of the witnesses' evidence all parties were offered the opportunity to ask questions. It was determined by all parties that no further questioning of the witness was necessary.

At this point in the proceedings a discussion was held with all parties regarding the Council's Constitutional Standing Orders, in that meetings of the Council should be terminated by 9.30 pm and whether the Committee should go beyond this time

At the agreement of all parties the meeting adjourned at 9.24 pm to enable the Committee to make a decision upon whether to suspend Standing Orders and proceed beyond 9.30 pm. All parties, with the exception of the Committee, Council Legal Advisers, and the Clerks, left the Council Chamber

The meeting reconvened at 9.37 pm.

The Chair advised all parties that with the agreement of the Committee, he proposed to adjourn the meeting until a date within three weeks, when Mr Hook would be given the opportunity to refresh memories with a summary of his representation. A copy of the transcript of the proceedings thus far would be made available before the meeting reconvened and the Committee would not be revisiting witnesses. In addition, the Team Leader, Regulatory Services, was granted delegated powers, to grant Mr Dover a temporary licence, to expire on the evening of the reconvened meeting. The Chair confirmed with Mr Dadds that this was acceptable to him and his client. Further dates for the reconvened meeting were discussed and all parties agreed upon 7.00pm on 6th February 2007.

The motion was seconded by Councillor Liddiard and all parties indicated their approval.

RESOLVED:

- i That the meeting be adjourned until 7.00 pm on 6th February 2007.**
- ii That Mr Hook be given the opportunity to refresh memories with a summary of his representation at the outset of the reconvened meeting.**

- iii That a copy of the transcript of the proceedings be distributed to all parties.
- iv That witnesses not be revisited.
- v That the Team Leader, Regulatory Services be granted delegated powers to issue a temporary licence to Mr Dover, to expire on the evening of the reconvened meeting.

The meeting adjourned at 9.44 pm.

THE MEETING RECONVENED TUESDAY 6 FEBRUARY 2007 AT 7.09 PM.

Present: Councillors Robert Gledhill, Mrs Margaret S Jones, Val Liddiard and Neil Rockliffe.

Apologies: Councillor Peter Harris

In attendance: Phil Easteal -
Louise Sugrue –Solicitor
Jamie Hollis – Lawyer
Beverlee Clarke – Senior Democratic Services Officer

16. DECLARATION OF INTERESTS

Councillor Gledhill declared a personal interest in Item 6 of the Agenda, in the fact that he did shoot, although not in Thurrock where it was illegal to do so.

17. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE AND PRIVATE DRIVER'S LICENCE – MR COLIN DOVER.

The Chair reminded all parties of the stage at which the Committee had been adjourned and outlined how the meeting would proceed. Furthermore, the Chair requested each of the parties to confirm whether they had had sight of the transcript of the first part of the meeting. Although not all parties had, it was agreed to continue the meeting.

It was further established that some additional letters in support of the applicant had been received from the Applicant during the course of the

previous week and it was confirmed that these would be taken into consideration although some Members were concerned as to the authenticity of them. In addition, Mr Dadds had requested that further supporting statements regarding his client be taken into consideration at the meeting and whilst there appeared to be some confusion over this matter, and Mr Dadds agreed to speak about the statements during the course of his address.

Mr Hook, representing the Licensing Department was invited to briefly summarise their case in order to refresh memories.

Mr Dadds, through the Chair, noted two points on the Licensing Department's summary and these were clarified to his satisfaction.

The Applicant's representative was invited to address the Committee in support of the application and was given the opportunity to address areas of concern, at the conclusion of which the Chair invited questions, with the Applicant's representative and the Applicant being given the opportunity to respond.

Mr Hook, representing the Licensing Department, was given the opportunity to summarise and Mr Dadds, the Applicant's Solicitor was then given the opportunity to have the final word in summary.

The Chair took the opportunity to enquire as to whether all parties had said all that they wished to say. All parties agreed that they had.

The Committee retired at 8.45 pm to consider its decision and were accompanied by L Sugrue, Solicitor, J Hollis, Lawyer and B Clarke, Senior Democratic Services Officer.

The Sub-Committee reconvened at 9.31pm.

The Chair thanked all parties for their patience and stated that the decision of the Committee was that, taking into account all of the information provided, the merits of the case and the relevant Council Policies and Procedures, the Committee were not satisfied that at this time the applicant was a fit and proper person to hold a Hackney Carriage or Private Hire Licence. The Chair informed the Applicant and his representative that a full decision would be sent as soon as possible.

RESOLVED:-

That the licence for a Hackney Carriage and Private Hire Licence be refused in accordance with Section 59(1) (a) (*in respect of licensing drivers of hackney carriages*) and Section 51(1) (a) (*in respect of licensing drivers of private hire vehicles*) of the Local Government (Miscellaneous Provisions) Act 1976, the grounds for

refusing to grant such a licence is that the Council is not satisfied that the applicant is a fit and proper person to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence by reason of his previous conduct as a licensed driver.

18. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That the Press and Public be re-admitted.

19. PROPOSED REVIEW OF THE COUNCIL'S ANIMAL WELFARE CHARTER

The Environmental Health Team Leader presented a report which informed Members that Thurrock Council had introduced an Animal Welfare Charter over ten years ago. It had transpired that the Charter had not been reviewed or revised during this time and that it could be appropriate to consider this action now, as new legislation in the form of the Animal Welfare Act was due to be implemented in April 2007.

The matter was being brought to the attention of the Licensing Committee as a large proportion of the Charter concerned licensing functions and associated enforcement matters that would fall within the remit of the Committee.

The process of approval and adoption of the revised Charter was discussed and in order to take this issue forward, Members were informed that the Head of Service would need to draw up a draft version, for consultation purposes, which would be reported back to a future meeting of the Licensing Committee.

Members' approval to recommend a review of the charter was sought and agreed. However, it was noted that the views of the Portfolio Holder for Environment would need to be gained on how to best take this proposal further. Members were informed of the likelihood that the Charter would go before the Environmental Overview & Scrutiny Committee, in addition to the Licensing Committee, before being submitted to the Cabinet for approval and adoption.

RESOLVED:

That subject to further consideration of the correct process to enable the review and adoption of the Animal Welfare Charter and the approval of the Portfolio Holder for Environment, that the

Charter be recommended for review for the reasons outlined in the report.

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
B Clarke, telephone (01375) 652721,
or alternatively e-mail bclarke@thurrock.gov.uk**