

LICENSING COMMITTEE
31 JULY 2009

Present :- Councillor Barrie Cook (Chairman)
Councillors John Bouckley, Christopher Garnett,
Michael Lilley and Laura Sykes

The Cabinet/Panel resolved under Section 100A(4) of the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) to exclude the public from the meeting for the following item as it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

8. Hackney Carriage/Private Hire Appeal

The Committee considered a report by the Head of Environmental and Protective Services on an appeal against the Licensing Manager's decision to issue a hackney carriage/private hire vehicle driver with a formal warning in relation to his future conduct. The Licensing Manager, the complainant, the appellant and his representative attended and presented their cases.

RESOLVED that having read and listened to the evidence presented, the Committee noted from the appellant that whilst he did not remember the incident, he was driving his cab on the day, he was in the area, no-one else drove his cab and the plate number was his.

The appellant stated in his interview with a Licensing Enforcement Officer that he no longer loses his temper but blows kisses instead.

The complainant gave evidence that was credible and sufficiently detailed to identify the events and the driver.

Whilst the Committee heard from Bob Russell, MP on behalf of the appellant concerning Penalty Point 39, it disregarded this in favour of a complaint from a member of the public and noted Penalty Point 34 and Driver Conduct 1iv. On the balance of probability therefore the appeal be dismissed.