

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Taxi and General Licensing Sub-Committee held in the Council Chamber at the Guildhall, Marshall's Yard, Gainsborough on Thursday 8 August 2013 at 9.30 am

Present: Councillor Owen Bierley (Chairman – in the Chair)
Councillor Lewis Strange (Vice-Chairman)

Councillor David Cotton
Councillor William Parry
Councillor Di Rodgers
Councillor Judy Rainsforth
Councillor Geoff Wiseman

In Attendance: Licensing and Support Team Leader
Licensing Officer
Legal Adviser
Governance and Civic Officer

Also in Attendance: The Applicant in relation to report TGL.15 13/14
(present for minute 22 only)
The Applicant in relation to report TGL.17 13/14
(present for minute 23 only)

Apologies: Councillor Jackie Brockway
Councillor Burt Keimach

Membership: No substitutions were given

19 MINUTES

- (a) Meeting of the Taxi and General Licensing Sub-Committee held on 9 July 2013

RESOLVED that the minutes of the meeting of the Taxi and General Licensing Sub-Committee held on 9 July 2013 be confirmed and signed as a correct record, subject to the day of the meeting being amended to read Tuesday

- (b) Meeting of the Taxi and General Licensing Sub-Committee held on 10 July 2013

RESOLVED that the minutes of the meeting of the Taxi and General Licensing Sub-Committee held on 10 July 2013 be confirmed and signed as a correct record.

20 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest.

21 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to an individual.

22 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL. 13/14)

The Chairman welcomed all present to the meeting and round the table introductions were made. The Principles of Natural Justice were followed. Confirmation was sought that the Applicant was aware that he could have been represented at the meeting, this was affirmed.

Members considered a report which detailed an application for the grant of a combined hackney carriage / private hire driver's licence for an Applicant who had convictions for various offences. The Sub-Committee were asked to determine whether or not the Applicant was a 'fit and proper' person to be issued a licence.

The Licensing and Support Team Leader presented the report, at the conclusion of which, both the Applicant and the Sub-Committee confirmed they had no questions to ask.

The Applicant presented his case and in doing so admitted that at the time of the offences he had been young and stupid and had reformed since. He also offered explanation as to why he had crossed the "No box", at section e, when completing the CRB disclosure application, stating he had mis-understood the question and had believed this related to pending police enquiries.

The Licensing and Support Team Leader clarified that every effort was made to ensure that all questions were understood on the application forms.

The Sub-Committee posed a number of pertinent questions to the Applicant particularly in relation to the circumstances around his convictions. The Applicant also confirmed that if his application was successful he would wish to relocate to Gainsborough to ply his trade.

The Licensing and Support Team Leader and the Applicant were both provided with the opportunity to sum up their cases during which it was noted that there was no definition of “fit and proper persons”.

The Licensing and Support Team Leader, the Licensing Officer and the Applicant withdrew from the meeting whilst the Sub-Committee debated the matter. They were subsequently recalled to the meeting and informed of the decision and reasoning as follows: -

RESOLVED that the application be **REFUSED**:

The sub-committee have heard and read all the information provided by the applicant. The sub-committee noted the following convictions on the applicant’s driving licence 10A as follows:-

DR10 offence date 16/05/2004 convicted 09/07/2004
DR10 offence date 24/07/2005 convicted 25/07/2005
Offence Code DR10 is for driving or attempting to drive with alcohol above the limit.

The Sub-Committee also noted the following convictions on the applicant’s DBS Certificate

On 24/04/2002: -
Offence 1 – Motor Vehicle Failing to Comply with Traffic Light Signals
Offence 2 – Resist or Obstruct a Police Constable
Convicted 07/06/2002

On 16/05/2004
Offence 1 – Driving a Motor Vehicle with Excess Alcohol
Offence 2 – Using a vehicle uninsured
Offence 3 – Aggravated vehicle taking, accident cause damage to property other than vehicle.
Convicted on 23/08/2004

On 24/07/05
Offence 1 – Driving a Motor Vehicle with Excess Alcohol
Offence 2 – Using a vehicle uninsured
Offence 3 – Driving whilst disqualified
Convicted 17/08/2005

On 24/08/11
Offence 1 – Offer or expose for sale good bearing false trade marks
Offence 2 – Supplying goods prohibited by safety regulation
Offence 3 – Supplying goods prohibited by safety regulation
Convicted 16/04/12

The Sub-Committee heard from the Applicant that he misunderstood the CRB Convictions questions; his explanation for his previous driving convictions which were carried out when he was younger; that

he had reformed and was now married with two children and he wanted to move to Gainsborough for a fresh start; and also his explanation of the selling goods bearing false trademarks.

The sub-committee are of the view that whilst the driving convictions are no longer “live” for totting up purposes they are of the view that considering his previous convictions the applicant is not a fit and proper person using the test ‘would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone’.

The applicant was advised that there was a right of appeal to the Magistrate’s court within 21 days.

The Sub-Committee would consider a future application following a period of 12 months.

The Chairman advised that the Applicant would be notified in writing of the decision as soon as possible and thanked him for his attendance.

23 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.17 13/14)

Members considered a report which detailed an application for the grant of a combined hackney carriage / private hire driver’s licence for an Applicant who had convictions for various offences. The Sub-Committee were asked to determine whether or not the Applicant was a ‘fit and proper’ person to be issued a licence.

The Chairman welcomed all present to the meeting and round the table introductions were made. The Principles of Natural Justice were followed. Confirmation was sought that the Applicant was aware that he could have been represented at the meeting, this was affirmed.

The Licensing and Support Team Leader presented the report, at the conclusion of which, both the Applicant and the Sub-Committee confirmed they had no questions to ask.

The Applicant presented his case and in doing so offered explanation as to why he had crossed the “No box”, at section e, when completing the CRB disclosure application. He also offered details of the circumstances relating to his convictions for non-insurance.

The Sub-Committee posed a number of pertinent questions to the Applicant particularly in relation to the circumstances around his convictions and his level of understanding of English documentation. The Applicant also confirmed that if his application was successful he would more than likely ply his trade outside

of the District. Furthermore he had applied to his own local authority, however the application process had been difficult and thus he had not been successful.

In responding to Members' comments, the Licensing and Support Team Leader, clarified the difference between the licensing of a driver and that of a vehicle and how the newly approved policy could be applied to each.

The Licensing and Support Team Leader and the Applicant were both provided with the opportunity to sum up their cases during which it was noted that there was no definition of "fit and proper persons".

The Applicant, in summing up, confirmed he was currently unemployed and in need of a job.

The Licensing and Support Team Leader, the Licensing Officer and the Applicant withdrew from the meeting whilst the Sub-Committee debated the matter.

RESOLVED that the application be **REFUSED**:

The sub-committee have heard and read all the information provided by the applicant. The sub-committee noted the following convictions on the applicant's driving licence 12A as follows:-

TT99 Convicted 29/05/2008

BA10 Offence Date 23/06/2008 convicted 07/07/2008

IN10 Offence Date 23/06/2008 convicted 07/07/2008

CU80 Offence Date 23/02/2010

IN10 Offence Date 27/07/2010 convicted 10/11/10

Offence Code T99 is for points collation

Offence Code BA10 is for driving whilst disqualified by order of a court

Offence Code IN10 is for using a vehicle uninsured against third party risks

Offence CU80 is for breach of requirements as to control of the vehicle, mobile telephone.

The sub-committee heard from the applicant his explanation for his two convictions for driving whilst being uninsured and disqualified. That he was not good at reading higher level documents and had to rely on friends and family and that he still has 6 points on his licence.

The Sub-Committee were very concerned about the driving whilst uninsured and considering his previous convictions are of the view the applicant is not a fit and proper person using the test 'would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone'.

The applicant was advised that there was a right of appeal to the Magistrate's court within 21 days.

The Sub-Committee would consider a future application following a period of 12 months.

The Chairman advised the Applicant that he would be notified in writing of the decision as soon as possible and thanked Members and Officers for their attendance.

24 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.16 13/14)

The Licensing and Support Team Leader advised the Committee that as the applicant had been unable to attend and wished to have representation, it would be advisable to defer consideration of the application until a further meeting.

RESOLVED that application TGL.16 13/14 be deferred and considered at a future meeting.

25 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.18 13/14)

The Licensing and Support Team Leader advised the Committee that as the applicant had been unable to attend and wished to have representation, it would be advisable to defer consideration of the application until a further meeting.

RESOLVED that application TGL.18 13/14 be deferred and considered at a future meeting.

26 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.19 13/14)

The Licensing and Support Team Leader advised the Committee that as the applicant had been unable to attend and wished to have representation, it would be advisable to defer consideration of the application until a further meeting.

RESOLVED that application TGL.19 13/14 be deferred and considered at a future meeting.

The meeting closed at 12.10 pm

Chairman