

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Taxi and General Licensing Sub-Committee held in the Ancholme Meeting Room at the Guildhall, Marshall's Yard, Gainsborough on Wednesday 5 February at 10.30 am

**Present:** Councillor Owen Bierley (Chairman – in the Chair)

Councillor Mark Binns  
Councillor David Cotton  
Councillor Burt Keimach  
Councillor Jessie Milne  
Councillor Di Rodgers  
Councillor Geoff Wiseman

**In Attendance:** Licensing Team Manager  
Licensing Officer  
Legal Adviser  
Governance and Civic Officer

**Apologies:** Councillor Jackie Brockway  
Councillor Judy Rainsforth  
Councillor Lewis Strange

**Membership:** Councillor Jessie Milne substituted for Councillor Brockway

**Also in Attendance:** The Applicant and his employer in relation to report TGL.34 13/14 (present for minute 50 only)  
The Applicant in relation to report TGL.35 13/14 (present for minute 51 only)

### 47 MINUTES (TGL.33 13/14)

- (a) Meeting of the Taxi and General Licensing Sub-Committee held on 3 December 2013

**RESOLVED** that the minutes of the meeting of the Taxi and General Licensing Sub-Committee held on 3 December 2013 be confirmed and signed as a correct record.

### 48 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest.

### 49 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.

**50 CONDUCT OF A WLDC LICENSED HACKNEY CARRIAGE / PRIVATE HIRE DRIVER (TGL.34 13/14)**

The Chairman welcomed all present to the meeting and round the table introductions were made. The Principles of Natural Justice were followed.

Members considered a report which detailed a complaint against a taxi driver licensed by West Lindsey District Council. The Sub-Committee were asked to determine whether or not the Applicant was a 'fit and proper' person to retain a licence.

The Applicant attended the meeting with his operator who assisted in presenting the case stating that the applicant's English was not adequate to present his own case, nor to have had the conversation alleged to have taken place.

The Sub-Committee posed a number of pertinent questions to the Applicant and noted that it would have been useful to question the person who had lodged the complaint, however the committee was not able to insist on attendance.

The Licensing Team Manager 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 Team Manager, Licensing Officer, the Applicant and his employer 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 having taken into consideration all of the information put before it, the committee is of the view that the allegation is not sufficiently substantiated to warrant or justify it imposing a revocation or suspension of the licence. However, given the serious nature of the allegation the committee does not feel it can take no further action and dismiss the complaint entirely, therefore, the committee issued a strict warning as to future conduct and advise that any future complaints of a similar nature would result in being brought back before the committee.

**Note** Councillor Binns abstained from voting, and Councillor Wiseman wished it to be recorded that he had voted against the resolution.

**Note** the committee adjourned for a short comfort break and reconvened at 12.55pm

## **51 APPLICATION FOR GRANT OF A PRIVATE HIRE OPERATOR'S LICENCE (TGL.35 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 a private hire operator's licence. Several complaints had been received against the operator who was licensed by West Lindsey District Council. The Sub-Committee were asked to determine whether or not the Applicant was a 'fit and proper' person to be granted the operator's licence and additionally to consider if he was suitable to retain a HC/PH licence.

The Applicant attended the meeting and stated that, whilst the complaints were valid, he had mitigating circumstances to justify them and fully intended to apologise and repay the aggrieved parties.

The Sub-Committee posed a number of pertinent questions to the Applicant relating to the incidents which had been complained about and what measures had been taken at the time to alleviate the problems and what precautions to prevent reoccurrence. The Applicant stated that he had been let down by his drivers and struggled to recruit new drivers because of the requirement to complete a Knowledge Test. The Applicant also affirmed that he had not been declared bankrupt.

The Licensing Team Manager 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 Team Manager, 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 having reviewed all the information placed before it the committee have reached the following decision:

- (i) In respect of the Private Hire Operator's licence, the application is refused and the committee requires a period of one year to pass before it will entertain a further application;
- (ii) In respect of the Hackney Carriage/Private Hire Driver's licence this shall be retained but with a strict warning as to future

conduct. Any future alleged mis-conduct could result in being brought back before the committee.

The reasons for this are as follows:

- i) The seriousness of the complaints;
- ii) The nature of the complaints;
- iii) The number of complaints.

The Committee finally have taken into account family difficulties but do not feel that these justify the incidents which have occurred.

The meeting closed at 2.30 pm

Chairman