

## 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 Wednesday 10 July 2013 at 1.30 pm

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

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

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

**Also in Attendance:** The Applicant in relation to report TGL.10 13/14  
(present for minute 16 only)  
The Applicant in relation to report TGL.12 13/14  
(present for minute 18 only)

**Apologies:** Councillor Burt Keimach  
Councillor Lewis Strange

**Membership:** No substitutions were given

### 14 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest.

### 15 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 item of business on the grounds that it involves 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.

### 16 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.10 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, and noted that the offences had meant that the applicant was eligible for disqualification, however this was averted due to a claim for exceptional hardship at the court.

The Applicant presented his case stating that he currently only had eight points on his licence and that he needed the licence to maintain his home and family as he was currently only working part-time.

The Sub-Committee posed a number of pertinent questions to the Applicant

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 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 66A as follows:-

SP30 offence date 30/11/07

TS10 offence date 19/05/08

PC30 offence date 07/02/10 convicted 18/05/10

NE98 offence date 14/11/10 convicted 09/05/11

IN10 offence date 14/11/10 convicted 09/05/11

Offence code SP30 is for exceeding the speed limit.

Offence code TS10 is for failing to comply with traffic light signals

Offence code PE30 is for contravention of pedestrian crossing regulations

Offence code NE98 is a non-endorsable miscellaneous offence from 01/01/04 Power under Section 146 of the Power of Criminal Courts (Sentencing) Act 2000 to order a defendant to be disqualified from driving – Anti Social Behaviour

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

The sub-committee have noted that the applicant was not disqualified under the totting up procedure due to exceptional hardship.

The sub-committee heard the applicant's explanation regarding the pedestrian crossing and that he has only eight points on his licence and that he needs a licence to support his wife and family.

The sub-committee are of the view that due to the applicant's previous convictions and still having eight points on his licence, he was 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 six months after the points have expired, subject to the applicant not accruing any more points on his licence.

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

#### **17 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.11 13/14)**

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.11 13/14 be considered at a future meeting.

#### **18 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.12 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 eight convictions for 16 offences and one caution. 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, however he said that he was unaware, but that he was happy to continue.

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.

At the request of the Licensing and Support Team Leader the Applicant confirmed the CRB Disclosure was relevant to him.

The Applicant presented his case stating that he had kept out of trouble for 12-13 years and had had a clean licence for six years. He was a reformed character and described how he had recently held down a responsible job, for which his CRB had been presented, and for which he had been given a second chance.

The Sub-Committee posed a number of pertinent questions to the Applicant

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 had been offered a job subject to acquiring the taxi licence.

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

**RESOLVED** that the sub-committee have decided to grant the licence.

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.

The meeting closed at 3.20 pm

Chairman