

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 Tuesday 9 July 2013 at 1.30 pm

Present: Councillor Owen Bierley (Chairman)

Councillor Jackie Brockway
Councillor Jessie Milne
Councillor William Parry
Councillor Judy Rainsforth
Councillor Di Rodgers
Councillor Geoff Wiseman

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

Also in Attendance: The Applicant and his brother in relation to report TGL.08 13/14 (present for minute 11 only)

Apologies: Councillor David Cotton
Councillor Burt Keimach
Councillor Lewis Strange (Vice-Chairman)

Membership: Councillor Jessie Milne substituted for Councillor Burt Keimach

8 MINUTES

(a) Meeting of the Taxi and General Licensing Sub-Committee held on 22 May 2013

RESOLVED that the minutes of the meeting of the Taxi and General Licensing Sub-Committee held on 22 May 2013.

9 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest made.

10 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.

11 APPLICATION FOR THE GRANT OF A COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.08 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 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 was provided the opportunity to present his case but indicated he had nothing further to add to the report as written.

The Sub-Committee posed a number of pertinent questions to the Applicant, particularly in relation to the circumstances surrounding his offences and his intentions with regard to working should the licence be granted.

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 and his representative 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 46a as follows: -

CU20 offence date 02/10/05 convicted 02/02/06

IN10	offence date 29/03/09	convicted 02/11/09
CU80	offence date 30/01/09	convicted 12/08/09
IN10	offence date 29/03/09	convicted 28/01/10

Offence code IN10 is for using a vehicle uninsured against 3rd party risks. Offence code CU80 is for breach of requirements as to control of vehicle, mobile phones. Offence code CU20 is causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories in a dangerous condition.

In addition the CRB disclosure shows a conviction for using a vehicle whilst uninsured on 22/04/10.

The sub-committee have noted that the applicant was disqualified from driving for 6 months under the totting up procedure.

The sub-committee heard from the applicant that he had been uninsured when driving for a company who had not insured the vehicle correctly. In relation to the use of the phone, the applicant explained this was an emergency call.

The sub-committee are of the view that whilst the convictions are no longer 'live' for totting up purposes they are of the view that the applicant, considering his convictions 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 Magistrates court within 21 days.

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

12 APPLICATION FOR THE GRANT OF A COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.09 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 an application for the grant of a combined hackney carriage / private hire driver's licence for an Applicant who had two driving related 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 during which it was noted that the Applicant had indicated he could not attend the Hearing but was happy for this to proceed in his absence. Confirmation was sought and received from the Committee that they had received and read the applicant's additional submission, which was a letter of representation.

The Sub-Committee confirmed they had no questions to ask of Officers.

The Licensing and Support Team Leader summed up his case before withdrawing from the meeting to allow the sub-committee to debate the matter. He was subsequently recalled to the meeting and informed of the decision and reasoning as follows: -

RESOLVED that the application be **REFUSED**:

The sub-committee have read all the information provided to them, including the extra information provided by the Applicant in his undated letter.

The sub-committee note the applicant has two convictions for using a mobile phone, and two convictions for driving without due care and attention. The sub-committee note the applicant's explanation in relation to offences as set out in his letter. However whilst the convictions are no longer 'live' for totting up purposes they are of the view that the applicant, considering his convictions 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 Chairman indicated that the Applicant would be advised of his right to appeal to the Magistrates court within 21 days and would be notified in writing of the decision as soon as possible.

13 APPLICATION FOR THE GRANT OF A COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.07 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 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, during which it was noted that the Applicant had been advised of the date and time of the Hearing but had failed to attend, nor had he submitted any representations.

The Committee confirmed they were happy to proceed in the applicant's absence, and had no questions to ask of Officers.

In the absence of the applicant the Committee were not afforded the opportunity to question him; however they did express concern at the number and nature of the convictions which were spread over a significant period of time.

The Licensing and Support Team Leader summed up his case before withdrawing from the meeting to allow the sub-committee to debate the matter. He was subsequently recalled to the meeting and informed of the decision and reasoning as follows: -

RESOLVED that the application be **REFUSED**:-

The sub-committee have read all the paper work provided to them. The Applicant had been notified of the hearing however he did not attend or submit any further information to the sub-committee.

The sub-committee note the applicant's conviction in 2004 for failing to surrender to custody and using insurance documents with the intent to deceive. The sub-committee also noted that the applicant had a caution in 2009, although no details were given, also that the applicant had two convictions in September 2009 and October 2011 for exceeding the speed limit on a motorway. The sub-Committee also noted that the Applicant did not declare convictions on his application.

In considering the information and in particular the speeding offences, the sub-committee have decided that the applicant is not a fit and proper person, using the following 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 Chairman indicated that the Applicant would be advised of his right to appeal to the Magistrates court within 21 days and would be notified in writing of the decision as soon as possible.

Members and Officers were thanked for the attendance.

The meeting closed at 3.35 pm

Chairman