

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 5 November 2013 at 10 am

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

Councillor Jackie Brockway
Councillor David Cotton
Councillor Burt Keimach
Councillor Di Rodgers
Councillor Judy Rainsforth
Councillor Geoff Wiseman

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

Also in Attendance: The Applicant in relation to report TGL.26 13/14
(present for minute 37 only)
The Applicant and a colleague in relation to report
TGL.27 13/14 (present for minute 38 only)
The Applicant in relation to report TGL.29 13/14
(present for minute 40 only)

Apologies: Councillor Lewis Strange

Membership: No substitutions were given

34 MINUTES (TGL.25 13/14)

- (a) Meeting of the Taxi and General Licensing Sub-Committee held on 1 October 2013

RESOLVED that the minutes of the meeting of the Taxi and General Licensing Sub-Committee held on 1 October 2013 be confirmed and signed as a correct record.

35 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest.

36 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.

37 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.26 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 Team Manager presented the report, at the conclusion of which, both the Applicant and the Sub-Committee confirmed they had no questions to ask.

The applicant then presented his case, stating that his offences were a long time ago and he was sorry for them. He now had family responsibilities and had not been in trouble since that time.

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 ply his trade in Manchester.

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, 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 as follows: -

RESOLVED that the application be **GRANTED** with a warning as to future driving convictions and conduct.

38 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.27 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 Team Manager presented the report, at the conclusion of which, both the Applicant and the Sub-Committee confirmed they had no questions to ask.

The applicant and his colleague explained the circumstances of the convictions and his personal situation and that he wanted the chance to get his life sorted.

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 ply his trade in West Lindsey.

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, 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: -

The Sub-Committee have heard and read all the information provided by the applicant and noted the following convictions on his driving licence.

CU80	Offence date 03.07.10	
SP30	Offence date 23.09.09	Convicted 07.09.10
TS10	Offence date 15.05.11	Convicted 19.12.11
CU80	Offence date 12.12.11	Convicted 21.03.12

The Sub-Committee also noted the Applicant's DVLA Data Subject Enquiry Printout revealed several Court Notifications.

The Sub-Committee had heard from the applicant who spoke in support of his application and explained his personal situation and family issues and his desire for a fresh start, however the Sub-Committee were of the view that whilst two of his convictions were no longer 'live' for totting up purposes they were of the view that considering his current driving convictions and as he still had six 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 application is therefore **REFUSED** and the applicant must wait at least six months before a further application be considered.

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

39 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.29 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 Team Manager 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 stating that the points were acquired a long time ago.

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 ply his trade in Bradford.

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, 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 as follows: -

RESOLVED that the application be **GRANTED** with a warning as to future driving convictions and conduct.

**40 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE
(TGL.28 13/14)**

The applicant for report number TGL.28 was not present at the meeting but had sent emails indicating that he wished the Committee to hear the case in his absence.

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 Team Manager presented the report, at the conclusion of which, the Sub-Committee stated that they felt they wanted further clarification on the convictions and court notifications.

RESOLVED that the application be deferred in order to allow the applicant to attend to present his case in person.

The meeting closed at 1.20pm

Chairman