

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 26 March 2015 at 1.30pm

- Present:** Councillor Alan Caine (Chairman – in the Chair)
Councillor Irmgard Parrott (Vice Chairman)
- Councillor Owen Bierley
Councillor Jackie Brockway
Councillor Burt Keimach
Councillor Judy Rainsforth
- In Attendance:** Licensing Team Manager
Licensing Enforcement Officer
Legal Adviser
Governance and Civic Officer
- Also in Attendance:** The Applicant in relation to report TGL.08 14/15
- Apologies:** Councillor David Cotton
Councillor Di Rodgers
Councillor Paul Howitt-Cowan
- Membership:** Councillor Jessie Milne substituted for Councillor Howitt-Cowan

17 MINUTES (TGL.07 14/15)

- (a) Meeting of the Taxi and General Licensing Sub-Committee held on 17 December 2014 (TGL.07 14/15)

RESOLVED that the minutes of the meeting of the Taxi and General Licensing Sub-Committee held on 17 December 2014 be confirmed and signed as a correct record.

18 MEMBERS' DECLARATIONS OF INTEREST

None

19 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.

20 APPLICATION FOR COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVER'S LICENCE (TGL.08 14/15)

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's DBS showed a conviction for one offence in relation to fraud. The Sub-Committee were asked to determine whether or not the Applicant was a 'fit and proper' person to be issued a licence.

The Sub-Committee posed a number of pertinent questions to the Applicant during which the Applicant explained the circumstances of the incident of which he had been convicted and assured the Sub-Committee that he had been naïve in trying to help out a friend and had not been financially involved himself. The Applicant admitted to being embarrassed by the incident and had submitted character references with his application.

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: -

The Taxi and General Licensing Sub-Committee carefully considered the evidence presented and were of the opinion that the criteria in the Council guidelines and the test of fitness and propriety was satisfied and that the licence as applied for by the applicant should be granted.

RESOLVED that the application be granted with a strict warning in relation to future conduct and if in the future the applicant was brought in front of the Sub-Committee for any breaches, the licence could be revoked.

21 THE USE OF A HACKNEY CARRIAGE PROPRIETOR'S LICENCE (TGL.09 14/15)

The Licensee subject of the report was not present at the hearing and had sent an email stating that he would not be attending and had subsequently returned his hackney carriage plate.

The Sub-Committee took the decision to still consider the report before them, as the Licensee in question was still in possession of a Driver's badge and should he apply in the future to regain his vehicle plate it needed to be possible to produce a record of the Sub-Committee's deliberations.

The Licensing Team Manager presented the report and gave the background evidence which had given rise to the case being put before the Sub-Committee. Despite the Licensee giving assurance that he would be using his taxi in West Lindsey no evidence could be found of him doing so, whereas evidence had been submitted which showed that he was working in a different part of the country.

The Sub-Committee therefore felt that dishonesty had been shown and in light of this the Licensee was not to be considered a 'fit and proper person' to be a taxi proprietor, and subsequently the Licence should be revoked in order to ensure safeguarding and a Duty of Care.

RESOLVED that –

a) The Licence be revoked

Reason: It was clear from the evidence submitted as part of this report that he has made repeated false declarations to West Lindsey District Council which concerns the Committee as dishonesty is a serious consideration when protecting the public.

b) The Licensing Team Manager investigate the possibility of how to recoup Driver's badges.

There was a right of appeal to the Magistrate's Court within 21 days.

The meeting closed at 2.33pm

Chairman