



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 Tuesday 19 February 2013 at 10.00 am

Present: Councillor Owen Bierley (Chairman – in the Chair)
Councillor Anne Welburn (Vice-Chairman)

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

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

Also in Attendance: The Applicant in relation to report TGL.08 12/13 and his wife (present for minute 13 only)
The Applicant in relation to report TGL.07 12/13. (present for minute 14 only)

Apologies: Councillor David Cotton
Councillor Di Rodgers
Councillor Burt Keimach

Membership: Councillor Jessie Milne substituting for Councillor Burt Keimach

10 MINUTES

(a) Meeting of Taxi and General Licensing Sub-Committee – 19 December 2012.

RESOLVED that the minutes of the Meeting of the Taxi and General Licensing Sub-Committee held on 19 December 2012 be confirmed and signed as a correct record.

11 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest.

12 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.

Note: The order of the agenda was varied as the applicant in relation to report TGL.08 12/13 had arrived first.

13 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.08 12/13)

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 one non-driving offence and one driving related offence. 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.

Confirmation was sought and received that the Applicant was aware that he could have been represented at the meeting.

The Principles of Natural Justice were followed and these were briefly outlined by the Legal Adviser to all present.

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 presented his case and stated that he needed a job for financial security and to provide a stable income for his family. He had recently got married and wished to change his life for the better.

The Sub-Committee posed a number of questions to the Applicant, including why he wanted to work in Gainsborough and not Manchester, where he lived, and whether or not he had applied to any other local authorities for a licence. The Applicant stated that he was possibly looking to re-locate to the area and confirmed that he had not applied elsewhere. The Sub-Committee then sought

further details of the convictions. The Applicant offered an explanation of the circumstances surrounding the offences, and stated he had been young, foolish and stupid at the time the offences had occurred. Furthermore, he deeply regretted his convictions; this had been a difficult time in his life and he placed on record his profuse apologies. However, on being questioned further he was not able to give any more details in relation to the three court notifications shown in the DVLA data subject entry.

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

In responding to further questions from the Sub-Committee, the Applicant indicated that he currently worked as a takeaway driver and had done so for approximately four years. His current tenancy expired in early April and would be an opportune time to re-locate. He accepted that initially, he would need to make use of maps and sat nav systems to drive in the area but believed he could soon build up local knowledge and that his current job stood him in good stead for working with customers, handling cash etc.

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 confirmed he had nothing further he wished to add.

At 10.35 am the Licensing and Support Team Leader, the Applicant and his wife withdrew from the meeting whilst the Sub-Committee debated the matter. They were subsequently recalled to the meeting at 11.25 am and informed of the decision and reasoning as follows: -

The Sub-Committee have decided that they are not satisfied that they have enough evidence to make a decision in this matter. The Sub-Committee require further information in relation to the court notifications shown in the DVLA data subject entry. The Sub-Committee have decided that the application should come back to the Sub-Committee. Therefore the matter is adjourned for a maximum period of three months to allow the applicant time to obtain the information requested.

RESOLVED that the Application be adjourned for a maximum period of 3 months, pending receipt of the further information requested by the Sub-Committee.

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

Note: Councillor Jessie Milne requested that her vote against the above decision be recorded.

14 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.07 12/13)

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 received a caution under the Fraud Act 2006 and who had a driving offence. 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.

Confirmation was sought and received that the Applicant was aware that he could have been represented at the meeting.

The Principles of Natural Justice were followed and these were briefly outlined by the Legal Adviser to all present.

The Licensing and Support Team Leader presented the report, at the conclusion of which, the Applicant confirmed he had no questions to ask.

The Sub-Committee posed a number of questions to the Applicant, including why he had applied to West Lindsey for a licence and where he intended to work if the application was granted. In responding, he stated that the "queue" at Manchester was too long and that he intended to work in Doncaster. At the request of the Sub-Committee the Applicant clarified the circumstances regarding the caution he had received, and explained that the endorsements on his driving licence were as a result of him having been driving on an international licence as opposed to a UK one.

At 12.15 pm the Licensing and Support Team Leader and the Applicant withdrew from the meeting whilst the Sub-Committee debated the matter. They were subsequently recalled to the meeting at 12.45 pm and informed of the decision and reasoning as follows: -

The Sub-Committee have read and heard all the evidence provided to them. The Sub-Committee have decided to grant the licence as applied for.

RESOLVED that the licence be granted as applied for.

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

Note: Councillor Jessie Milne requested that her vote against the above decision be recorded.

The meeting closed at 12.50 pm

Chairman