



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 22 May 2013 at 11.00 am

Present: Councillor Owen Bierley (Chairman – in the Chair)
Councillor Lewis Strange (Vice-Chairman) (first case only)

Councillor Mark Binns
Councillor Jackie Brockway
Councillor David Cotton
Councillor Di Rodgers
Councillor Giles McNeill
Councillor Judy Rainsforth
Councillor Lewis Strange
Councillor Geoff Wiseman

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

Also in Attendance: The Applicant in relation to report TGL.02 13/14 and his wife (present for minute 4 only)
The Applicant in relation to report TGL.03 13/14 and his brother (present for minute 5 only)
The Applicant in relation to report TGL.04 13/14 and his friend (present for minute 6 only)
The Applicant in relation to report TGL.05 13/14 (present for minute 7 only)

Apologies: Councillor William Parry
Councillor Burt Keimach

Membership: Councillor Giles McNeill substituted for Councillor William Parry

1 MINUTES

(a) Meeting of Taxi and General Licensing Sub-Committee – 19 February 2013.

RESOLVED that the minutes of the Meeting of the Taxi and General Licensing Sub-Committee held on 19 February 2013 be confirmed and signed as a correct record.

2 MEMBERS' DECLARATIONS OF INTEREST

Councillor Giles McNeill declared a personal interest in that he used taxis in the District.

3 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.

4 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.02 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 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 application had been considered at the meeting of 19 February and had been deferred whilst additional information was sought.

The Licensing and Support Team Leader presented the report, and confirmed that despite his best efforts and those of the applicant, no further information had been available from the DVLA.

The Applicant presented his case stating that he and his wife wished to move to the area, out of a city, and make a better life. He had made mistakes in the past but had now moved on. The offences committed had been long ago.

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

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

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 wife 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 sub-committee have decided to grant the application for a Hackney Carriage and Private Hire Vehicle Licence. The sub-committee grant the licence with a warning with regard to future driving convictions and conduct. The sub-committee have decided to issue the warning on the basis that his conviction for drink driving is not spent until 2016.

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 Strange left the meeting at this point.

5 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.03 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 a conviction relating to six offences between 2001 and 2006, and an historic offence for speeding in 2004. The Sub-Committee were asked to determine whether or not the Applicant was a ‘fit and proper’ person to be issued a licence. At the request of the Licensing and Support Team Leader the Applicant confirmed the CRB Disclosure was relevant to him.

In completing the CRB disclosure application at section e the applicant had crossed the NO box to state that he had not ever been convicted of a criminal offence.

The Licensing and Support Team Leader presented the report, at the conclusion of which, the Applicant clarified discrepancies on the forms relating to his name.

The Applicant presented his case and stated that he proposed to work in his home town of Bradford and share a car with his brother, as he was also proposing to apply for a licence.

The Sub-Committee posed a number of questions to the Applicant. The applicant gave explanations for the convictions he had received for dishonesty, stating that there had been misunderstandings, and that the speeding conviction was simply for 33mph in a 30mph area. The applicant then stated that he had misunderstood the form when he asserted that he had not been convicted of any criminal offences.

The Licensing and Support Team Leader clarified that the application forms were completed by licencing officers in conjunction with applicants and every effort was made to ensure that all questions were understood.

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.

The Licensing and Support Team Leader, the Applicant and his brother 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 sub-committee have decided to refuse the application. The sub-committee have decided that the applicant is not a ‘fit and proper’ person using the test “would you allow your son, daughter (...) or any other person for whom you care, to get into a vehicle with this person alone?”.

The sub-committee are of the view that the applicant is not a ‘fit and proper’ person on the basis of his false declaration on the CRB application form and his previous convictions for dishonesty.

The applicant was advised that he had the right to appeal to the magistrates’ court within 21 days of the decision.

The sub-committee reminded the applicant that the decision was not a bar to him making a further application.

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 The Committee then adjourned for a lunch break at 13.15 and reconvened at 14.15.

6 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.04 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 one conviction and one caution in 2001 and 2002 respectively. 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.

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.

In completing the CRB disclosure application at section e the applicant had cross the NO box to state that he had not ever been convicted of a criminal offence. The Licensing and Support Team Leader clarified that the application forms are completed by licencing officers in conjunction with applicants and every effort was made to ensure that all questions were understood.

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 and stated that he had thought that his convictions were no longer relevant. He was hoping to work in both Doncaster and West Lindsey, and was hoping to move to the area, as it was quiet and he had friends nearby.

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 confirmed he had nothing further he wished to add.

The Licensing and Support Team Leader, the Applicant and his friend withdrew from the meeting whilst the Sub-Committee debated the matter. The Applicant had left the building during the deliberation as he had another appointment.

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.

RESOLVED that the sub-committee have decided to grant the licence with a warning with regard to future driving convictions and conduct.

Note Councillor Binns requested that it be recorded that he had abstained from voting.

7 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.05 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 four convictions between 1977 and 1982 and also recent speeding convictions. 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.

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.

In completing the CRB disclosure application at section e the applicant had crossed the NO box to state that he had not ever been convicted of a criminal offence. The Licensing and Support Team Leader clarified that the application forms are completed by licencing officers in conjunction with applicants and every effort was made to ensure that all questions were understood.

The Applicant presented his case and stated that he had thought that his convictions were no longer relevant. He admitted that at the time of the offences he had been young and stupid and had reformed since. The applicant stated that he had a job offer from a local taxi firm.

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 confirmed he had nothing further he wished to add.

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 and informed of the decision and reasoning as follows: -

RESOLVED that the sub-committee have decided to grant the licence with a strict warning with regard to future convictions and conduct.

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.

The meeting closed at 16.09 pm

Chairman