

**WEST LINDSEY DISTRICT COUNCIL**

MINUTES of a Meeting of the Licensing Sub-Committee held in Trent Meeting Room at The Guildhall, Gainsborough on Monday 9 September 2013 at 10.30am

**Present:**  
Councillor Owen Bierley  
Councillor Chris Darcel  
Councillor Jessie Milne

**In Attendance :**  
Phil Hinch                      Licensing and Support Team Leader  
Dinah Lilley                    Governance and Civic Officer

**Also in Attendance :**  
**In support of the Application:**

Philip Bradley                  Applicant  
Darren Lince                    Applicant

**1 ELECTION OF CHAIRMAN**

**RESOLVED** that Councillor Jessie Milne be elected Chairman of the Licensing Sub-Committee for this meeting.

Councillor Jessie Milne took the Chair for the remainder of the meeting and round the table introductions were made.

**2 MEMBERS' DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3 LICENCE HEARING RE:  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE AT  
THE WHITE SWAN, 9 THE GREEN, SCOTTER  
APPLICANT: MR PHILIP BRADLEY**

The procedure circulated with the agenda was followed and the Licensing and Support Team Leader presented the report and summarised the purpose of the Hearing, this being an application for a variation to the premises licence at The White Swan, Scotter, in light of an objection having been raised.



Members noted the nature of the objections received from the interested person, the licensing objectives to which they related and the options available to the Sub-Committee in determining this matter. It was noted that no objections had been received from responsible authorities.

The applicants presented their case, pointing out that there was an error in the report, and that recorded music outside was requested up to 11pm only. They described how they had invested £300k on renovations and believed that the White Swan had good prospects, but in the current financial climate it was important to promote the establishment as a venue for functions and weddings. Many of the changes requested to the licence were simply rationalisation and correction of anomalies, but requested extensions to the hours for music and alcohol were to cater for the needs of guests attending functions and especially those staying overnight.

The applicants were sympathetic to the concerns of neighbouring residents and had undertaken works to mitigate as much nuisance as possible, e.g. air conditioning was to be installed to avoid the need for doors to be open in warm weather, thereby reducing the level of external noise.

Members of the Sub-Committee asked a number of pertinent questions of the applicants in relation to public safety and the prevention of public nuisance.

As the party who had submitted the objection was not present, the Licensing and Support Team Leader read out the submission which had been received, but the Sub-Committee and applicants were not able to question further. Whilst Members were sympathetic to the concerns of residents, it was felt however that some of the points raised were based on what could happen, rather than factual evidence, which the Sub-Committee were not able to take into consideration.

In summing up the applicants noted that there had been no complaints from neighbouring residents in the 9-10 months the White Swan had been open, and they were mindful that licences could be reviewed in the event of any complaints being received.

The applicants and the Licensing and Support Team Leader then withdrew, at 11.50am, whilst the sub-committee considered the application.

The applicants and the Licensing and Support Team Leader, returned at 12.10pm, following which the decision was announced, as follows:

“The Sub-Committee have listened to the applicants’ submission and also given consideration to the written representation which was read out. Having questioned the applicants at length and also taken into consideration the concerns of the local resident, the Sub-Committee is satisfied that the applicants are prepared to undertake all necessary mitigation to comply with the four licencing objectives. Therefore following

deliberation the Sub-Committee have decided to grant the application for variation of premises licence as applied for.

The Chairman advised that all parties would be notified of the decision in writing within five working days of today's hearing and reminded those present of the right to appeal to the magistrates' court within 21 days of receiving such notice.

**RESOLVED** that the premises licence for The White Swan, Scotter be granted as applied for.

The meeting closed at 12.20 pm

Chairman

**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

**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 3<sup>rd</sup> 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



## 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 10 July 2013 at 1.30 pm

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

Councillor Jackie Brockway  
Councillor David Cotton  
Councillor Di Rodgers  
Councillor William Parry  
Councillor Judy Rainsforth  
Councillor Geoff Wiseman

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

**Also in Attendance:** The Applicant in relation to report TGL.10 13/14  
(present for minute 16 only)  
The Applicant in relation to report TGL.12 13/14  
(present for minute 18 only)

**Apologies:** Councillor Burt Keimach  
Councillor Lewis Strange

**Membership:** No substitutions were given

### 14 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest.

### 15 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.

### 16 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.10 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 and Support Team Leader presented the report, and noted that the offences had meant that the applicant was eligible for disqualification, however this was averted due to a claim for exceptional hardship at the court.

The Applicant presented his case stating that he currently only had eight points on his licence and that he needed the licence to maintain his home and family as he was currently only working part-time.

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 Licensing and Support Team Leader, 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 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 66A as follows:-

SP30 offence date 30/11/07

TS10 offence date 19/05/08

PC30 offence date 07/02/10 convicted 18/05/10

NE98 offence date 14/11/10 convicted 09/05/11

IN10 offence date 14/11/10 convicted 09/05/11

Offence code SP30 is for exceeding the speed limit.

Offence code TS10 is for failing to comply with traffic light signals

Offence code PE30 is for contravention of pedestrian crossing regulations

Offence code NE98 is a non-endorsable miscellaneous offence from 01/01/04 Power under Section 146 of the Power of Criminal Courts (Sentencing) Act 2000 to order a defendant to be disqualified from driving – Anti Social Behaviour

Offence code IN10 is for using a vehicle uninsured against third party risks

The sub-committee have noted that the applicant was not disqualified under the totting up procedure due to exceptional hardship.

The sub-committee heard the applicant's explanation regarding the pedestrian crossing and that he has only eight points on his licence and that he needs a licence to support his wife and family.

The sub-committee are of the view that due to the applicant's previous convictions and still having eight 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 applicant was advised that there was a right of appeal to the Magistrate's court within 21 days.

The Sub-Committee would consider a future application following six months after the points have expired, subject to the applicant not accruing any more points on his licence.

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

#### **17 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.11 13/14)**

Licensing and Support Team Leader advised the Committee that as the applicant had been unable to attend and wished to have representation, it would be advisable to defer consideration of the application until a further meeting.

**RESOLVED** that application TGL.11 13/14 be considered at a future meeting.

#### **18 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.12 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 eight convictions for 16 offences and one caution. 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, but that he was happy to continue.

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.

The Applicant presented his case stating that he had kept out of trouble for 12-13 years and had had a clean licence for six years. He was a reformed character and described how he had recently held down a responsible job, for which his CRB had been presented, and for which he had been given a second chance.

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, in summing up, confirmed he had been offered a job subject to acquiring the taxi licence.

The Licensing and Support Team Leader and the Applicant withdrew from the meeting whilst the Sub-Committee debated the matter.

**RESOLVED** that the sub-committee have decided to grant the licence.

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

The meeting closed at 3.20 pm

Chairman

**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 8 August 2013 at 9.30 am

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

Councillor David Cotton  
Councillor William Parry  
Councillor Di Rodgers  
Councillor Judy Rainsforth  
Councillor Geoff Wiseman

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

**Also in Attendance:** The Applicant in relation to report TGL.15 13/14  
(present for minute 22 only)  
The Applicant in relation to report TGL.17 13/14  
(present for minute 23 only)

**Apologies:** Councillor Jackie Brockway  
Councillor Burt Keimach

**Membership:** No substitutions were given

**19 MINUTES**

- (a) Meeting of the Taxi and General Licensing Sub-Committee held on 9 July 2013

**RESOLVED** that the minutes of the meeting of the Taxi and General Licensing Sub-Committee held on 9 July 2013 be confirmed and signed as a correct record, subject to the day of the meeting being amended to read Tuesday

- (b) Meeting of the Taxi and General Licensing Sub-Committee held on 10 July 2013

**RESOLVED** that the minutes of the meeting of the Taxi and General Licensing Sub-Committee held on 10 July 2013 be confirmed and signed as a correct record.

## **20 MEMBERS' DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **21 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.

## **22 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL. 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 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 in doing so admitted that at the time of the offences he had been young and stupid and had reformed since. He also offered explanation as to why he had crossed the "No box", at section e, when completing the CRB disclosure application, stating he had mis-understood the question and had believed this related to pending police enquiries.

The Licensing and Support Team Leader clarified that every effort was made to ensure that all questions were understood on the application forms.

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 relocate to Gainsborough to ply his trade.

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 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: -

**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 10A as follows:-

DR10 offence date 16/05/2004 convicted 09/07/2004  
DR10 offence date 24/07/2005 convicted 25/07/2005  
Offence Code DR10 is for driving or attempting to drive with alcohol above the limit.

The Sub-Committee also noted the following convictions on the applicant’s DBS Certificate

On 24/04/2002: -  
Offence 1 – Motor Vehicle Failing to Comply with Traffic Light Signals  
Offence 2 – Resist or Obstruct a Police Constable  
Convicted 07/06/2002

On 16/05/2004  
Offence 1 – Driving a Motor Vehicle with Excess Alcohol  
Offence 2 – Using a vehicle uninsured  
Offence 3 – Aggravated vehicle taking, accident cause damage to property other than vehicle.  
Convicted on 23/08/2004

On 24/07/05  
Offence 1 – Driving a Motor Vehicle with Excess Alcohol  
Offence 2 – Using a vehicle uninsured  
Offence 3 – Driving whilst disqualified  
Convicted 17/08/2005

On 24/08/11  
Offence 1 – Offer or expose for sale good bearing false trade marks  
Offence 2 – Supplying goods prohibited by safety regulation  
Offence 3 – Supplying goods prohibited by safety regulation  
Convicted 16/04/12

The Sub-Committee heard from the Applicant that he misunderstood the CRB Convictions questions; his explanation for his previous driving convictions which were carried out when he was younger; that

he had reformed and was now married with two children and he wanted to move to Gainsborough for a fresh start; and also his explanation of the selling goods bearing false trademarks.

The sub-committee are of the view that whilst the driving convictions are no longer “live” for totting up purposes they are of the view that considering his previous convictions the applicant 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 Magistrate’s court within 21 days.

The Sub-Committee would consider a future application following a period of 12 months.

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

### **23 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.17 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 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 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.

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 in doing so offered explanation as to why he had crossed the “No box”, at section e, when completing the CRB disclosure application. He also offered details of the circumstances relating to his convictions for non-insurance.

The Sub-Committee posed a number of pertinent questions to the Applicant particularly in relation to the circumstances around his convictions and his level of understanding of English documentation. The Applicant also confirmed that if his application was successful he would more than likely ply his trade outside



of the District. Furthermore he had applied to his own local authority, however the application process had been difficult and thus he had not been successful.

In responding to Members' comments, the Licensing and Support Team Leader, clarified the difference between the licensing of a driver and that of a vehicle and how the newly approved policy could be applied to each.

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, in summing up, confirmed he was currently unemployed and in need of a job.

The Licensing and Support Team Leader, the Licensing Officer and the Applicant withdrew from the meeting whilst the Sub-Committee debated the matter.

**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 12A as follows:-

TT99 Convicted 29/05/2008

BA10 Offence Date 23/06/2008 convicted 07/07/2008

IN10 Offence Date 23/06/2008 convicted 07/07/2008

CU80 Offence Date 23/02/2010

IN10 Offence Date 27/07/2010 convicted 10/11/10

Offence Code T99 is for points collation

Offence Code BA10 is for driving whilst disqualified by order of a court

Offence Code IN10 is for using a vehicle uninsured against third party risks

Offence CU80 is for breach of requirements as to control of the vehicle, mobile telephone.

The sub-committee heard from the applicant his explanation for his two convictions for driving whilst being uninsured and disqualified. That he was not good at reading higher level documents and had to rely on friends and family and that he still has 6 points on his licence.

The Sub-Committee were very concerned about the driving whilst uninsured and considering his previous convictions are of the view the applicant 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 Magistrate's court within 21 days.

The Sub-Committee would consider a future application following a period of 12 months.

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

**24 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.16 13/14)**

The Licensing and Support Team Leader advised the Committee that as the applicant had been unable to attend and wished to have representation, it would be advisable to defer consideration of the application until a further meeting.

**RESOLVED** that application TGL.16 13/14 be deferred and considered at a future meeting.

**25 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.18 13/14)**

The Licensing and Support Team Leader advised the Committee that as the applicant had been unable to attend and wished to have representation, it would be advisable to defer consideration of the application until a further meeting.

**RESOLVED** that application TGL.18 13/14 be deferred and considered at a future meeting.

**26 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.19 13/14)**

The Licensing and Support Team Leader advised the Committee that as the applicant had been unable to attend and wished to have representation, it would be advisable to defer consideration of the application until a further meeting.

**RESOLVED** that application TGL.19 13/14 be deferred and considered at a future meeting.

The meeting closed at 12.10 pm

Chairman

**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 1 October 2013 at 10 am

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

Councillor Jackie Brockway  
Councillor David Cotton  
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.23 13/14  
(present for minute 32 only)

**Apologies:** Councillor Burt Keimach  
Councillor William Parry

**Membership:** No substitutions were given

**27 MINUTES**

- (a) Meeting of the Taxi and General Licensing Sub-Committee held on 8 August 2013

**RESOLVED** that the minutes of the meeting of the Taxi and General Licensing Sub-Committee held on 8 August 2013 be confirmed and signed as a correct record.

**28 MEMBERS' DECLARATIONS OF INTEREST**

There were no declarations of interest.

**29 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.

**30 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.21 13/14)**

The Sub-Committee was informed that the applicant had withdrawn his application.

**31 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.22 13/14)**

The Sub-Committee was informed that the applicant had withdrawn his application.

**32 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.23 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 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 in doing so admitted that at the time of the offences he had been young and involved with the wrong crowd. He apologised for his past misdemeanours and said he wanted no pity. The Applicant said that he was now motivated to achieve something and wanted a better life for his partner and child. He was currently working and brought a reference from his employer.

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 locate to Gainsborough to ply his trade.

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 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: -

**RESOLVED** that the application be **GRANTED** as applied for:

**33 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE  
(TGL.24 13/14)**

The Licensing and Support Team Leader advised the Committee that as the applicant had been unable to attend, it would be advisable to defer consideration of the application until a further meeting.

**RESOLVED** that application TGL.24 13/14 be deferred and considered at a future meeting.

The meeting closed at 12 pm

Chairman

## 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

**WEST LINDSEY DISTRICT COUNCIL**

MINUTES of a Meeting of the Taxi and General Licensing Sub-Committee held in the Trent Meeting Room at the Guildhall, Marshall's Yard, Gainsborough on Tuesday 3 December 2013 at 10 am

**Present:** Councillor Owen Bierley (Chairman – in the Chair)  
Councillor Lewis Strange (Vice Chairman)

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

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

**Apologies:** Councillor William Parry

**Membership:** No substitutions were given

**41 MINUTES (TGL.30 13/14)**

- (a) Meeting of the Taxi and General Licensing Sub-Committee held on 5 November 2013

**RESOLVED** that the minutes of the meeting of the Taxi and General Licensing Sub-Committee held on 5 November 2013 be confirmed and signed as a correct record.

**42 MEMBERS' DECLARATIONS OF INTEREST**

There were no declarations of interest.

**43 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.

**44 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.32 13/14)**

The Licensing Team Manager informed the Committee that the applicant had been unable to attend, but would like to be present when his case is heard.

**RESOLVED** that the application TGL.32 13/14 be deferred to a future meeting to enable the applicant to attend.

**44 COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.24 13/14)**

The Licensing Team Manager informed the Committee that the applicant had been unable to attend, but was happy for the case to be heard in his absence.

The Committee felt that there was insufficient information in the application to be able to make a decision without being able to question the applicant. It was therefore agreed that to give the applicant every possible opportunity to present his case, consideration of the application be deferred to a future meeting, and the applicant be requested to provide further details on the offences listed.

**RESOLVED** that the application TGL.24 13/14 be deferred to a future meeting to enable the applicant to attend.

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

The Licensing Team Manager informed the Committee that the applicant had been unable to attend, but insisted that the case be heard in his absence.

The Principles of Natural Justice were followed. 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 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 Licensing Team Manager read out a further email that had been received from the applicant, he stated that he had made mistakes when he was younger but that he now had responsibilities and had since kept a clean licence, and that his convictions would be spent in two months.

The Licensing Team Manager reminded Members that taxi licence applications were exempt from the Rehabilitation of Offenders Act so offences were never

wiped from records. Members of the Sub-Committee asked a number of questions regarding the offences, but the Licensing Team Manager was not able to give specific details in the absence of the applicant. The application had previously been deferred to enable the applicant to attend, so needed to be determined at this meeting.

**RESOLVED** that :-

The Sub-Committee have read all the evidence provided to them. The Sub-Committee have noted that this is the second time the application has been before the Committee. The previous occasion the Committee deferred the application to enable the applicant to attend. The Committee further note that the applicant has not provided any further information regarding his disqualification from driving for 6 months. In light of the information provided to them in relation to the applicant's driving conviction the Committee is of the view 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 Sub-Committee have therefore decided that application is **REFUSED**

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

The meeting closed at 11am

Chairman

**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 Wednesday 5 February at 10.30 am

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

Councillor Mark Binns  
Councillor David Cotton  
Councillor Burt Keimach  
Councillor Jessie Milne  
Councillor Di Rodgers  
Councillor Geoff Wiseman

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

**Apologies:** Councillor Jackie Brockway  
Councillor Judy Rainsforth  
Councillor Lewis Strange

**Membership:** Councillor Jessie Milne substituted for Councillor Brockway

**Also in Attendance:** The Applicant and his employer in relation to report TGL.34 13/14 (present for minute 50 only)  
The Applicant in relation to report TGL.35 13/14 (present for minute 51 only)

**47 MINUTES (TGL.33 13/14)**

(a) Meeting of the Taxi and General Licensing Sub-Committee held on 3 December 2013

**RESOLVED** that the minutes of the meeting of the Taxi and General Licensing Sub-Committee held on 3 December 2013 be confirmed and signed as a correct record.

**48 MEMBERS' DECLARATIONS OF INTEREST**

There were no declarations of interest.

**49 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.

**50 CONDUCT OF A WLDC LICENSED HACKNEY CARRIAGE / PRIVATE HIRE DRIVER (TGL.34 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 a complaint against a taxi driver licensed by West Lindsey District Council. The Sub-Committee were asked to determine whether or not the Applicant was a 'fit and proper' person to retain a licence.

The Applicant attended the meeting with his operator who assisted in presenting the case stating that the applicant's English was not adequate to present his own case, nor to have had the conversation alleged to have taken place.

The Sub-Committee posed a number of pertinent questions to the Applicant and noted that it would have been useful to question the person who had lodged the complaint, however the committee was not able to insist on attendance.

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, Licensing Officer, the Applicant and his employer 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 having taken into consideration all of the information put before it, the committee is of the view that the allegation is not sufficiently substantiated to warrant or justify it imposing a revocation or suspension of the licence. However, given the serious nature of the allegation the committee does not feel it can take no further action and dismiss the complaint entirely, therefore, the committee issued a strict warning as to future conduct and advise that any future complaints of a similar nature would result in being brought back before the committee.

**Note** Councillor Binns abstained from voting, and Councillor Wiseman wished it to be recorded that he had voted against the resolution.

**Note** the committee adjourned for a short comfort break and reconvened at 12.55pm

## **51 APPLICATION FOR GRANT OF A PRIVATE HIRE OPERATOR'S LICENCE (TGL.35 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 a private hire operator's licence. Several complaints had been received against the operator who was licensed by West Lindsey District Council. The Sub-Committee were asked to determine whether or not the Applicant was a 'fit and proper' person to be granted the operator's licence and additionally to consider if he was suitable to retain a HC/PH licence.

The Applicant attended the meeting and stated that, whilst the complaints were valid, he had mitigating circumstances to justify them and fully intended to apologise and repay the aggrieved parties.

The Sub-Committee posed a number of pertinent questions to the Applicant relating to the incidents which had been complained about and what measures had been taken at the time to alleviate the problems and what precautions to prevent reoccurrence. The Applicant stated that he had been let down by his drivers and struggled to recruit new drivers because of the requirement to complete a Knowledge Test. The Applicant also affirmed that he had not been declared bankrupt.

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, 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: -

**RESOLVED** that having reviewed all the information placed before it the committee have reached the following decision:

- (i) In respect of the Private Hire Operator's licence, the application is refused and the committee requires a period of one year to pass before it will entertain a further application;
- (ii) In respect of the Hackney Carriage/Private Hire Driver's licence this shall be retained but with a strict warning as to future



conduct. Any future alleged mis-conduct could result in being brought back before the committee.

The reasons for this are as follows:

- i) The seriousness of the complaints;
- ii) The nature of the complaints;
- iii) The number of complaints.

The Committee finally have taken into account family difficulties but do not feel that these justify the incidents which have occurred.

The meeting closed at 2.30 pm

Chairman

## 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 11 March 2014 at 1.30 pm

**Present:** Councillor Owen Bierley (Chairman – in the Chair)  
Councillor Lewis Strange (vice chairman)

Councillor Mark Binns  
Councillor Jackie Brockway  
Councillor David Cotton  
Councillor Burt Keimach  
Councillor Jessie Milne  
Councillor Judy Rainsforth  
Councillor Di Rodgers  
Councillor Geoff Wiseman

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

**Apologies:** None

**Membership:** Councillor Jessie Milne substituted for the vacant seat

### 52 MINUTES (TGL.36 13/14)

- (a) Meeting of the Taxi and General Licensing Sub-Committee held on 5 February 2014.

**RESOLVED** that the minutes of the meeting of the Taxi and General Licensing Sub-Committee held on 5 February 2014 be confirmed and signed as a correct record.

### 53 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest.

### 54 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.

At the start of the meeting the Licensing Officer confirmed that none of the applicants had yet arrived. As Papers B and C had both previously been deferred to allow the applicants the opportunity to attend it was proposed that these two applications be considered to allow time for the subject of Paper D time to attend.

#### **55 APPLICATION FOR GRANT OF A PRIVATE HIRE/HACKNEY CARRIAGE LICENCE (TGL.24 13/14)**

The Chairman welcomed all present to the meeting and round the table introductions were made. The Principles of Natural Justice were followed.

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 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 unable to question the applicant in his absence to gain further details or understanding of the circumstances. As the applicant had had two previous opportunities to attend the committee, the Sub-Committee Members felt that they were not in a position to judge his demeanour as to whether he was a 'fit and proper person' so had to determine the application on the face of the evidence in the report before them. It was also noted that because it had been some time since the original submission of the application there was no guarantee that the CRB check was still relevant.

**RESOLVED** that due to the serious nature of the offence in 1995 and also the more recent driving offences, with the repeated failure to attend the Sub-Committee to present his case, the applicant was not a 'fit and proper person', therefore the application be **REFUSED**.

#### **56 APPLICATION FOR GRANT OF A PRIVATE HIRE/HACKNEY CARRIAGE LICENCE (TGL.32 13/14)**

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 which detailed an application for the grant of a combined hackney carriage / private hire driver's licence for an applicant who, whilst not having any convictions, was the subject of a letter received from the Chief Police Officer relating to an allegation of abuse of position of trust.

The applicant had previously stated that he would submit additional statements as supporting information and character references when he was invited to attend a previously arranged Hearing. However these had not been received for the earlier Hearing or for today's Hearing either. It was affirmed that two other local authorities had refused licences to the applicant.

The Sub-Committee were unable to question the applicant in his absence to gain further details or understanding of the circumstances. As the applicant had had one previous opportunity to attend the committee the Sub-Committee Members felt that they were not in a position to judge his demeanour as to whether he was a 'fit and proper person' so had to determine the application on the face of the evidence in the report before them. It was noted that the Chief Police Officer would not share such information lightly.

**RESOLVED** that due to the serious nature of the allegations reported to the Sub-Committee, and the failure of the applicant to attend the Sub-Committee to present his case or submit further information, the applicant was not a 'fit and proper person', therefore the application be **REFUSED**.

The Sub-Committee then adjourned for a short comfort break to allow further time for the applicant (TGL.37 13/14) to attend.

The Sub-Committee reconvened at 2.05pm and agreed that as the applicant had still not arrived the application be determined in his absence.

#### **57 APPLICATION FOR GRANT OF A PRIVATE HIRE/HACKNEY CARRIAGE LICENCE (TGL.37 13/14)**

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 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 unable to question the applicant in his absence to gain further details or understanding of the circumstances. As the applicant was not present the Sub-Committee Members felt that they were not in a position to judge his demeanour as to whether he was a 'fit and proper person' so had to determine the application on the face of the evidence in the report before them.

**RESOLVED** that due to the serious nature of the offences in 1998 and also the more recent driving offences, the applicant was not a 'fit and proper person', therefore the application be **REFUSED**.

The meeting closed at 2.10 pm

Chairman

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Licensing Sub-Committee held in Trent Meeting Room at The Guildhall, Gainsborough on Monday 10 March at 10.30am and Monday 24 March 2014 at 9.40am.

**Present:**  
Councillor David Cotton  
Councillor Paul Howitt-Cowan  
Councillor Jessie Milne

**In Attendance :**  
Phil Hinch                      Licensing Team Manager  
Tina Garner                    Licensing Officer  
Jo Furner                        Lincs Legal Services  
Dinah Lilley                    Governance and Civic Officer  
Sabah Mawlood                Interpreter (24/03/14 only)

**Also in Attendance :**

**In support of the Application:**  
Kaife Hussain                    Applicant  
Friend of the applicant (10/03/14 only)

**Objectors to the Application**

PC Figgitt                        Lincolnshire Police  
PC Enderby                       Lincolnshire Police  
Ian Newell                        Trading Standards

### 1 ELECTION OF CHAIRMAN

**RESOLVED** that Councillor David Cotton be elected Chairman of the Licensing Sub-Committee for this meeting.

Councillor David Cotton took the Chair for the remainder of the meeting and round the table introductions were made.

### 2 MEMBERS' DECLARATIONS OF INTEREST

Councillor Cotton declared a personal interest in that he was a serving JP but that should any related cases appear in the courts he would not take part.

### 3 EXCLUSION OF PUBLIC AND PRESS

The Chairman noted that appendices to the report contained exempt information and in order to fully consider the application before them the meeting needed to be held in closed session.

**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 paragraphs 3 and 5 of Part 1 of Schedule 12A of the Act.

#### **4 INTRODUCTION**

**LICENCE HEARING RE:  
APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT  
ALINA, 100 TRINITY STREET, GAINSBOROUGH  
APPLICANT: MR KAIFE HUSSAIN**

The legal representative set out the procedures that would be followed and the details were translated for the applicant by his colleague.

The Police representatives stated that they would prefer a neutral translator in order to avoid any bias, and so that the hearing would be fair on both parties.

The Committee Members, legal representative and committee clerk, left the meeting at 10.55 am to consider the proposal.

At 11.05 the Committee reconvened and agreed that the meeting be adjourned in order to obtain a translator who would be neutral to both parties in the interests on natural justice.

The meeting was then adjourned at 11.10, to be reconvened on 24 March 2014 at 9.30am.

The meeting reconvened on 24 March 2014, with the same parties present, with the exception of the friend of the applicant who was not present on this occasion. An interpreter had been provided by the authority as well as a translated copy of the report.

The applicant confirmed that he had had time to read the paperwork.

The Licensing Team Manager introduced the report which set out the application for a Premises Licence. New applications require the setting out of the steps to be taken to promote the four licensing objectives.

Following submission of the application to the statutory consultees two representations had been subsequently received, from Trading Standards and Lincolnshire Police.

The applicant then presented his case through the interpreter. He stated that he had only had ownership of the premises since January 2014 so any evidence of improper activity prior to that was not relevant to him. The applicant said that his customers were predominantly European and wanted to purchase European cigarettes and alcohol, and that without the sale of such his business would not be profitable and he would have to close.

Sub-Committee Members then asked various pertinent questions relating to the four licensing objectives. The applicant stated that he was aware of requirements to not sell to under 18s. The Sub-Committee then questioned the applicant about the objections which had been received. As the second part of the translated document, which set out the objections, had only been received that morning, the applicant requested further time with the interpreter to read and digest the representations from the objectors.

The Sub-Committee then adjourned at 10.25am to give the applicant time to read the objections. The Sub-Committee reconvened again at 10.45 am.

The applicant reiterated that he had only had ownership of the business since January 2014 and the objections related mainly to incidents in Lincoln in 2013. The incident in March 2014 had been a mistake and he was sorry and it would not be repeated. The applicant was further questioned about the incidents in 2013 and he responded that he had only been an employee at that time and was not aware of what was going on and had not been involved.

The Police and Trading Standards Officers then questioned the applicant about his understanding of the four licensing objectives. Questions were asked regarding his association with his previous employer, and clarification sought as to the applicant's current address.

The Sub-Committee adjourned once again at 11.55am to allow a comfort break and the refresh of parking permits. The Sub-Committee reconvened at 12 noon.

At the conclusion of each party presenting their evidence and subsequent questions, the Chairman asked the applicant if he wished to change his application. He responded that he did not.

Each party then summed up their case for the Sub-Committee.

Both the Police and Trading Standards Officer believed that the licensing objectives of Public Safety and the Prevention of Crime and Disorder could not be met.

In his summing up the applicant stated that he was not a criminal and was not happy to be judged as such and he had admitted that he had made a mistake

but that he had learned his lesson. He wanted to be granted a licence so that he could run his business and make a living.

The meeting then adjourned at 1pm for a lunch break and reconvened at 2pm at which point the Sub-Committee withdrew to undertake their deliberations. The Sub-Committee members returned to the meeting at 2.40pm to give their decision and reasoning.

**RESOLVED** that:

We have considered everything put before us today, in the evidence submitted in the papers and the verbal evidence we have heard during this meeting.

The Sub-Committee is only concerned in maintaining the four licensing objectives and has to be certain that these are upheld and understood by the applicant for any licence that West Lindsey District Council receives an application for; or which the authority grants.

Those licensing objectives are:

- The prevention of crime and disorder;
- Public safety
- Prevention of public nuisance
- The protection of children from harm

The two objectives which the Sub-Committee are most concerned with today are the Prevention of Crime and Disorder, and Public Safety.

The licensing objective to prevent crime and disorder relates to all crime and not just specifically to the licence being applied for.

In light of the incident in March 2014, the Sub-Committee feels the licensing objective is undermined and it would be inappropriate to grant a licence and therefore the application is refused, and furthermore the Sub-Committee feels that there are no conditions which can be put in place.

All parties are reminded that they have 21 days to appeal to the magistrates' court.

All parties will be sent a copy of this decision in writing within five working days of today.

The meeting closed at 2.50pm

Chairman



**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 Friday 28 March 2014 at 10 am

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

Councillor Mark Binns  
Councillor Jackie Brockway  
Councillor David Cotton  
Councillor Burt Keimach  
Councillor Jessie Milne  
Councillor Judy Rainsforth  
Councillor Geoff Wiseman

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

**Apologies:** Councillor Di Rodgers  
Councillor Lewis Strange

**Membership:** Councillor Jessie Milne substituted for the vacant seat

**58 MINUTES (TGL.38 13/14)**

- (a) Meeting of the Taxi and General Licensing Sub-Committee held on 11 March 2014.

**RESOLVED** that the minutes of the meeting of the Taxi and General Licensing Sub-Committee held on 11 March 2014 be confirmed and signed as a correct record.

**59 MEMBERS' DECLARATIONS OF INTEREST**

There were no declarations of interest.

**60 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.

The Licensing Team Manager advised Sub-Committee Members that Paper C had been withdrawn.

In terms of Paper B, the applicant had given notice that he would not be attending, however he had been encouraged to attend, and he had been notified that the matter could still be heard by the Sub-Committee even if he was not present. The applicant had also stated that he did not feel that he had been issued with the documentation in sufficient time, but it was affirmed by the Licensing Team Manager that the applicant had received the papers on the same date as the Sub-Committee Members and this was in accordance with the Access to Information procedures.

The Licensing Team Manager further informed the Sub-Committee that two of the complainants who had submitted written statements had agreed to attend the meeting and present their evidence.

It was proposed and seconded that the witnesses be heard and that the case be considered in the applicant's absence. On being voted upon this was **AGREED.**

#### **61 CONDUCT OF A WLDC LICENSED HACKNEY CARRIAGE / PRIVATE HIRE DRIVER (TGL.39 13/14)**

The Licensing Team Manager presented the report, reminding Members that the applicant had appeared before them on 5 February 2014 and had been permitted to retain his Hackney Carriage/Private Hire Driver's Licence with a strict warning as to his future conduct. Since that time several further complaints had been received by the Council, therefore it was felt necessary to submit the case for Sub-Committee consideration.

The recently received complaints were all of a similar nature to those heard at the previous meeting.

The first of the witnesses was invited into the meeting and presented the circumstances of their complaint. The Sub-Committee Members asked a number of pertinent questions, following which the complainant left the meeting, after being thanked for attending and being reminded that the meeting was private and confidential, and that they would be notified of the decision in due course.

The second witness was invited into the meeting and presented the circumstances of their complaint. The Sub-Committee Members asked a number of pertinent questions, following which the complainant left the meeting, after being thanked for attending and being reminded that the meeting was private and confidential, and that they would be notified of the decision in due course.

The Sub-Committee then adjourned for a short comfort break at 11.40am and reconvened to undertake its deliberation at 11.50am.

The Legal representative advised Members of the options available to them.

The Licensing Team Manager returned to the meeting at 12.10 to be informed of the decision.

**RESOLVED** that the applicant was not a fit and proper person to hold a hackney carriage and private hire driver's licence. Furthermore, they determined that the licensing authority would not entertain another application from him for a period of two years. The Committee were of the opinion that it was in the interest of public safety to require revocation of the applicant's driver's licence, with immediate effect, in accordance with section 52 of the Road Safety Act 2006.

There is a right of appeal to the Magistrates Court within 21 days of notification of the decision.

The meeting closed at 12.15 pm

Chairman