

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 23 October 2014 at 2pm

Present: Councillor Alan Caine (Chairman – in the Chair)

Councillor Owen Bierley
Councillor Paul Howitt-Cowan
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

Also in Attendance: The Applicant in relation to report TGL.04 14/15
(present for minute 10 only)
The Applicant in relation to report TGL.05 14/15
(present for minute 11 only)

Apologies: Councillor Jackie Brockway
Councillor David Cotton
Councillor Irmgard Parrott

Membership: Councillor Jessie Milne substituted for Cllr Brockway

6 MINUTES (TGL.01-02 14/15)

- (a) Meeting of the Taxi and General Licensing Sub-Committee held on 28 March 2014 (TGL.01 14/15)

RESOLVED that the minutes of the meeting of the Taxi and General Licensing Sub-Committee held on 28 March 2014 be confirmed and signed as a correct record.

- (b) Meeting of the Taxi and General Licensing Sub-Committee held on 19 May 2014 (TGL.02 14/15)

RESOLVED that the minutes of the meeting of the Taxi and General Licensing Sub-Committee held on 19 May 2014 be confirmed and signed as a correct record.

7 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest.

8 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.

9 CONSIDERATION OF THE FIT AND PROPER STATUS OF A WLDC LICENCED HACKNEY CARRIAGE / PRIVATE HIRE DRIVER (TGL.02 14/15)

The Applicant for TGL.02 14/15 was not present at the meeting, but had sent an email requesting a deferment. The Licensing Team Manager had requested that the driver surrender his licence until the case was heard, and a response was awaited. It was therefore agreed to consider this item following the other two.

10 APPLICATION FOR COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.04 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 a conviction for an offence, although on the application form he had ticked 'No' to the question 'have you ever been convicted of any criminal 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 applicant then presented his case, stating that his offence had been a silly mistake and he was sorry for it. He now had a family to support. He had not been driving a taxi when the offence occurred, and had since undertaken a driver rehabilitation course. It had also been a genuine mistake to tick the box incorrectly on the form.

The Sub-Committee posed a number of pertinent questions to the Applicant, and asked questions about future employment.

The Licensing Team Manager and the Applicant were both provided with the opportunity to sum up their cases during which it was noted that there was no definition of “fit and proper persons”.

The Licensing Team Manager, the Licensing Officer and the Applicant withdrew from the meeting whilst the Sub-Committee debated the matter. They were subsequently recalled to the meeting and informed of the decision as follows: -

The Sub Committee has taken into account representations made by the applicant and the Council’s statement of policy in relation to convictions.

The Sub-Committee take convictions for driving under the influence of alcohol very seriously. But on the basis that this is an isolated conviction, it did not occur whilst operating a taxi, the applicant has shown remorse and has successfully undertaken a driving rehabilitation course, the Sub-Committee considers that the licence should be granted subject to a strict warning as to future conduct.

There is a right of appeal to the Magistrate’s Court within 21 days.

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

11 APPLICATION FOR COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE (TGL.05 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 a number of offences, although on the application form he had ticked ‘No’ to the question ‘have you ever been convicted of any criminal 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 applicant then presented his case, and gave mitigating circumstances for the most recent offence, and said that the previous ones had been when he was young and foolish. It had also been a genuine mistake to tick the box incorrectly on the form, as he did not think that driving convictions constituted criminal offences, as he had never previously had this queried.

The Sub-Committee posed a number of pertinent questions to the Applicant particularly in relation to the circumstances around his convictions, and asked questions about future employment.

The Licensing Team Manager and the Applicant were both provided with the opportunity to sum up their cases during which it was noted that there was no definition of “fit and proper persons”.

The Licensing Team Manager, the Licensing Officer and the Applicant withdrew from the meeting whilst the Sub-Committee debated the matter. They were subsequently recalled to the meeting and informed of the decision as follows: -

The Sub Committee has taken into account representations made by the applicant and the Council’s statement of policy in relation to convictions.

The Sub-Committee has agreed to grant the licence subject to a strict warning, it considers him to be a fit and proper person. The last conviction was five years ago and his life has moved on. The Sub-Committee accepts his explanation regarding the confusion on whether a driving conviction constituted a criminal offence, as he had not previously been queried when applying for other jobs, however these were not exempt positions. The Sub-Committee is prepared to give the benefit of the doubt.

There is a right of appeal to the Magistrate’s Court within 21 days.

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

Note – Councillor Wiseman wished it to be recorded that he had not taken part in the deliberation.

Councillor Milne wished for it to be recorded that she had abstained from voting.

12 CONSIDERATION OF THE FIT AND PROPER STATUS OF A WLDC LICENCED HACKNEY CARRIAGE / PRIVATE HIRE DRIVER (TGL.02 14/15)

The Licensing Team Manager informed the Sub-Committee that he had not had a response from the applicant regarding the surrender of his licence.

The Sub-Committee considered the Applicant’s request to defer the hearing, but given the seriousness of the information within the report and the potential public safety issue, agreed:-

RESOLVED that the Sub-Committee consider the report in the applicant’s absence.

The Licensing Team Manager presented the report which outlined the reasons for the case being presented to the Sub-Committee. A prosecution for sexual assault was pending with Greater Manchester Police, and Manchester City Council had raised concerns that he was continuing to work and also that he was plying for hire illegally where he was not licensed to do so.

The Licensing Team Manager and the Licensing Officer 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 licence be revoked with immediate effect.

The Sub Committee considered that not only was the applicant not a fit and proper person to hold a hackney carriage drivers licence, they considered that revocation of his licence should be immediate on the grounds of public safety in accordance with section 61(2B); to do otherwise would put other members of the public who may use his services at undue risk.

There is a right to appeal this decision to the Magistrates Court within 21 days, however, please note that the revocation takes immediate effect and there will be no right to drive unless and until the Magistrates Court, on appeal, determine to overturn the local authority's decision to revoke the licence.

The meeting closed at 4pm

Chairman