

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Sub-Committee held in the Council Chamber - The Guildhall on 11 April 2019 commencing at 10.00am.

Present: Councillor Mrs Jessie Milne
Councillor Mrs Pat Mewis
Councillor Mrs Judy Rainsforth

Apologies: None Received

Also Present: Licence Holder in respect of agenda item 6i (present for minutes 1 – 5 only)
Applicant in respect of agenda item 6ii (present for minutes 6 – 10 only)
Applicant's representative in respect of agenda item 6ii (present for minutes 6-10 only)

1 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY.

RESOLVED that Councillor Milne be elected Chairman of the Regulatory Sub-Committee for this meeting only.

Councillor 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 made at this point in the meeting.

3 PROCEDURE.

The Chairman welcomed all present to the meeting. The Principles of Natural Justice were followed. Confirmation was sought that the Applicant was aware that she could have been represented at the meeting, this was affirmed.

The Procedure to be followed was summarised by the Legal Advisor.

4 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.

5 REVIEW OF THE SUITABILITY OF THIS PERSON TO REMAIN A FIT AND PROPER DRIVER

Members considered a report on the suitability of a licensee to remain a fit and proper driver. The report also asked Members to consider whether the licensee should be granted a further licence. The Licensing Manager highlighted the relevant sections of the report with regards to the reason for calling the meeting and brought Members' attention to the appendices. Appendix 1 was re-circulated to the Committee as the original had been of poor image quality.

In response to Members' questions, the Licensing Manager confirmed the licensee had provided information of the incident voluntarily.

There being no further questions from Members, the Chairman invited the licence holder to present her response to the details of the report.

The licence holder addressed the Sub-Committee and explained the circumstances of the events detailed in the report. She assured Members there were no further issues. The Chairman questioned the licence holder in greater detail and sought clarification on some of the points she had raised and her current personal circumstances.

With no further questions from the Sub-Committee, or the Legal Advisor, the Licensing Manager was requested to make any final comments. He reiterated the responsibility of the licence holder to uphold the code of conduct and highlighted that the Sub-Committee was asked to determine whether or not the licence holder was considered a 'fit and proper' person to continue to hold her licence and whether or not a further licence should be issued. The relevant paragraphs of the Policy, which the Committee should bear in mind in reaching their conclusions were highlighted to Committee. The Sub-Committee was aware that public safety was its paramount consideration.

The licence holder was then asked to make any final comments. She again spoke of her regret that the incident had occurred, offered assurance to the Sub-Committee that nothing of this nature would happen again and spoke of her love of the job.

The Chairman explained the Sub-Committee would leave the room to consider all information and to reach their decision.

Note: The meeting was adjourned at 10:32am

Note: The meeting reconvened at 11:12am

The Chairman confirmed the Sub-Committee had reached a decision and read aloud the decision notice. It was

RESOLVED that: -

- (a) the licence holder be permitted to continue to hold a licence whilst receiving a strict warning regarding her future conduct;

- (b) the licence holder be granted a further licence to continue to operate whilst receiving a strict warning regarding her future conduct.

Note: The meeting adjourned at 11:17am and the applicant for agenda item 6i left the meeting.

Note: The meeting reconvened at 11:25am and the applicant for agenda item 6ii joined the meeting together with her representative.

6 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY

RESOLVED that Councillor Milne be elected Chairman of the Regulatory Sub-Committee for this meeting only.

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

7 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest made at this point in the meeting.

8 PROCEDURE

The Chairman welcomed all present to the meeting. The Principles of Natural Justice were followed.

The Procedure to be followed was summarised by the Legal Advisor.

9 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.

10 APPLICATION FOR THE GRANT OF A COMBINED HACKNEY CARRIAGE/ PRIVATE HIRE DRIVERS LICENCE

Members considered a report on the suitability of an applicant to be granted a Hackney Carriage/Private Hire Driver Licence. The Licensing Manager highlighted the relevant sections of the report with regards to the reason for calling the meeting and brought Members' attention to the appendices.

There were no questions from Members and so the Chairman invited the Applicant to present her response to the details of the report.

The Applicant addressed the Sub-Committee and explained the circumstances of the events detailed in the report. She assured Members there were no further issues and spoke of her regret.

The Applicant's representative addressed the Sub-Committee and provided a character reference on behalf of the Applicant.

The Chairman and Members questioned the Applicant in greater detail and sought clarification on some of the points she had raised and her current personal circumstances.

With no further questions from the Sub-Committee, or the Legal Advisor, the Licensing Manager was requested to make any final comments. He again reiterated this matter had only been raised by way of a chance meeting and the Applicants DBS documents were clear. The Sub-Committee was asked to determine whether or not the applicant could be considered a 'fit and proper' person to be granted a licence. The relevant paragraphs of the Policy, which the Committee should bear in mind in reaching their conclusions were highlighted to Committee. The Sub-Committee was aware that public safety was its paramount consideration.

The Applicant was then asked to make any final comments. She again spoke of her regret that the incident had occurred, offered assurance to the Sub-Committee that nothing of this nature would happen again and spoke of her love of the job. She also indicated that she had a character statement from one of her regular customers, in support of her application. This was shared with Sub-Committee Members.

The Chairman explained the Sub-Committee would leave the room to consider all information and to reach their decision.

Note: The meeting was adjourned at 11:55am

Note: The meeting reconvened at 12:35pm

The Chairman confirmed the Sub-Committee had reached a decision and read aloud the decision notice. It was

RESOLVED that the Applicant be granted a Hackney Carriage/Private Hire Driver Licence whilst receiving a strict warning regarding her future conduct.

The meeting concluded at 12.38pm.

Chairman