

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Sub-Committee held in the Council Chamber - The Guildhall on 21 July 2022 commencing at 10.30 am.

Present: Councillor Mrs Jessie Milne (Chairman)
Councillor Peter Morris
Councillor Mrs Judy Rainsforth

In Attendance:
Andy Gray Housing and Enforcement Manager
Kimble Enderby Senior Licensing and Community Safety Officer
Tracy Gavins Licensing Enforcement Officer
Martha Rees Legal Advisor
Ele Snow Senior Democratic and Civic Officer
Andrew Warnes Democratic and Civic Officer

Also In Attendance: Licence Holder
Friend in support of Licence Holder

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 APOLOGIES FOR ABSENCE

There were no apologies for absence.

3 MEMBERS DECLARATIONS OF INTEREST

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

4 PROCEDURE

The Chairman and the Legal Representative outlined the procedure for the hearing to those present.

5 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.

6 'FIT AND PROPER' STATUS OF A LICENSED HACKNEY CARRIAGE / PRIVATE HIRE DRIVER

Prior to the presentation of the report, the Chairman invited the person attending the hearing as support for the licence holder to introduce themselves. They explained they were a long-time friend and customer of the licence holder.

Note: Councillor J. Rainsforth declared that she had prior awareness of the person attending in support, in a previous professional capacity only, they had had no recent contact nor had there ever been any discussion in any capacity regarding the licence holder or the case to be heard.

The licence holder explained they had brought with them a selection of hand-written letters of support from customers and wished for them to be considered by the Sub-Committee.

Note: The meeting adjourned at 10.38am for the Legal Adviser to review the contents of the letter. The meeting reconvened at 10.40am.

The Legal Adviser requested the Democratic and Civic Officer to take copies of all letters and these would be presented to Members during their considerations once the case had been heard. The licence holder confirmed they were satisfied with this.

Note: The person attending in support of the licence holder was called away from the meeting and left at 10.45am

The Senior Licensing and Community Safety Officer presented the report to Members, summarising the possible actions open to the Sub-Committee. It was confirmed that CCTV footage had been viewed by Members prior to the commencement of the meeting, the licence holder had also previously been shown the footage. On enquiring whether Members or the licence holder wished to view the footage again, all present confirmed they were satisfied with all having viewed it already.

The Senior Licensing and Community Safety Officer reiterated the purpose of the report and meeting of the Sub-Committee was to consider whether the licence holder passed the 'Fit and Proper Person test', the measure of that being whether the Sub-Committee Members would happily allow a loved-one to travel in the vehicle with the licence holder.

The licence holder was invited to pose questions to the Senior Licensing and Community Safety Officer, there were none. Members of the Sub-Committee were invited to pose questions to the Senior Licensing and Community Safety Officer, again there were none.

The licence holder was invited by the Chairman to present their case. Members heard details of their personal circumstances and the licence holder expressed remorse for their actions. At the conclusion of their submission, Members were invited to pose questions. There was discussion amongst all present regarding the details of the case. The Senior Licensing and Community Safety Officer was invited to pose questions and there was further discussion.

Members of the Sub-Committee, the Senior Licensing and Community Safety Officer and the licence holder were invited to make any further comment. With no comments, the Chairman explained Members would retire from the room for their deliberations and return to read the decision notice.

Note: The meeting adjourned at 11.24am for Members to deliberate, with each Member of the Sub-Committee being provided with a copy of the hand-written letters provided by the licence holder.

Note: The meeting reconvened at 12.40pm

The Chairman thanked all present for their patience and stated it had been a long and detailed discussion. The Legal Advisor read aloud the decision notice, it being

RESOLVED that the Hackney Carriage / Private Hire licence be revoked, for the reasons outlined in the decision notice.

The licence holder was informed of the right of appeal of this decision, to the Magistrate's Court within 21 days of receipt in writing of the decision.

The meeting concluded at 12.44 pm.

Chairman