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Taxi and General Licensing Committee- 13 December 2016

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Taxi and General Licensing Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 13 December 2016 commencing at 1.30 pm.

Present: Councillor Owen Bierley (Chairman)
Councillor Judy Rainsforth (Vice-Chairman)

Councillor Paul Howitt-Cowan
Councillor Mrs Pat Mewis
Councillor Mrs Jessie Milne

In Attendance:

Phil Hinch
Kim Robertson
Dinah Lilley

Licensing Team Manager
Legal Services Lincolnshire
Governance and Civic Officer

Apologies:

Councillor Sheila Bibb
Councillor David Bond
Councillor David Cotton
Councillor Lewis Strange

Also Present

MH – Applicant
AH – Applicant's Brother-in-Law

6 MINUTES OF PREVIOUS MEETING

Meeting of the Taxi and General Licensing Sub-Committee held on 9 May 2016.

RESOLVED that the minutes of the meeting of the Taxi and General Licensing Sub-Committee held on 9 May 2016 be confirmed and signed as a correct record.

7 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 APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE PROPRIETOR'S LICENCE

An application had been received to renew an existing Hackney Carriage/Private Hire Proprietor's licence. This had been submitted for consideration by the Sub-Committee as there were concerns regarding where the applicant was plying for hire.

The Legal Advisor explained the procedure that would be gone through and round the table introductions were given.

The Licensing Team Manager explained that the application was not for a new licence therefore the question of whether the applicant was a 'Fit and Proper' person was not the issue for consideration. The licence plate had been issued in 2013 and since that time had been renewed, however the applicant had been requested to confirm that he was actually working within the West Lindsey area.

The applicant had confirmed that he had been out of the country for part of the year, but that otherwise he was plying for hire in Gainsborough. Confirmation and records of proof had been requested but not received.

The applicant was present at the hearing accompanied by his brother-in-law who provided translation for him. In presenting his case the applicant stated that he had had family commitments and problems and he apologised for his mistakes in the past, but requested one more chance, and he would comply with all requirements.

The Licensing Team Manager noted that the applicant had stated that he would be working in West Lindsey seven days per week, but on questioning the mileage that would be incurred by travelling from his home, plus actual taxi journeys, the total readings did not add up to what would be expected. The applicant stated that he occasionally stayed over rather than travelling back home.

Sub-Committee Members had concerns regarding the truth of the declaration and stated that they needed detailed records of work that had been carried out in West Lindsey. The applicant then produced a bag containing envelopes with receipts for fuel, and some notebooks with some journeys recorded.

The Sub-Committee adjourned at 14.18 to enable the Licensing Team Manager and the Legal Advisor to examine the documentation produced.

The Sub-Committee reconvened at 14.48 and the Licensing Team Manager informed the Sub-Committee that the receipts were for local purchases of fuel, small amounts on a regular basis, mostly from 2015. The information contained in the notebooks was insufficiently detailed to be comprehensive evidence.

The Sub-Committee question why the applicant had not produced the documentation previously when requested to do so by the Licensing Team. The applicant, through his representative, stated that if he was given another chance, he would keep detailed records.

Reference was also made to a complaint which had been received from a passenger, which at the time the applicant had stated that he did not recall the incident, however was now able

to give an explanation.

Parties were then given the opportunity to sum up their case, and the Sub-Committee then adjourned at 15.03 to deliberate on their decision.

The Sub-Committee reconvened at 15.19 and gave its decision.

“The Taxi and General Licensing Sub-Committee have read and heard all the information before them. MH produced receipts for fuel at the hearing for 2015, 2014 and for January-April 2016 and September-November 2016. MH also produced some journey notes for the same period in 2016. Notes of journeys were produced of other times but the dates and journey details were not included.

The Sub-Committee have taken into account the information provided however they are not satisfied on the balance of probabilities that MH has been working mainly in the West Lindsey DC area during 2016.

The Sub-Committee have considered their Out of Area Taxi Policy, Public Safety and the impact on MH’s livelihood. With this in mind the Sub-Committee have decided to refuse the application.”

The meeting concluded at 3.21 pm.

Chairman

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