

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Regulatory Sub-Committee held in the Ancholme Meeting Room at the Guildhall, Marshall's Yard, Gainsborough on Friday 19 May 2017 at 10.00am

Present:
Councillor Owen Bierley
Councillor Jessie Milne
Councillor Judy Rainsforth

In Attendance:
Phil Hinch Licensing Team Manager
Kim Newbould-Robertson Lincs Legal Services
Katie Coughlan Governance and Civic Officer

Also Present:
Mr CS Applicant
Ms B Fish Applicant's representative and friend

Apologies: None Received

Membership: There were no substitutions.

1 ELECTION OF CHAIRMAN

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.

2 MEMBERS' DECLARATIONS OF INTEREST

No declarations were made.

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 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.

4 APPLICATION FOR THE GRANT OF A COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S 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.

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's DBS showed a conviction for two offences in relation to criminal damage, one in 2007 and one in 2015 (less than 3 years ago). It was also noted, that the Applicant was currently licenced with North Lincolnshire Council, however Officers had been unable to speak directly with the Licensing Team of that Authority. A check of the Applicant's driving licence had shown 0 offences and 0 points. However, in his application, the Applicant had also referenced having been convicted of an offence some time ago (which was now be spent) but this was before he could drive a car. The rest of the Applicant's application had been deemed satisfactory by Officers, safeguarding courses had been completed and the Applicant had been declared fit by the Doctor completing the medical form.

The Licensing Team Manager requested that it be noted the Applicant had approached him, prior to the Hearing, advising that he was having difficulty in reading the paperwork. Officers had spent time with the Applicant earlier that day explaining the process and had issued "white papers" to him as an aide.

The Chairman sought indication from all parties that they understood the process, that reasonable adjustment had been made, and that they were happy to proceed, this was affirmed.

The Sub-Committee were asked to determine whether or not the Applicant was a 'fit and proper' person to be issued a licence. The Sub-Committee was aware that public safety was its paramount consideration.

The Sub-Committee indicated that they had no questions to ask of the Licensing Manager at this time.

The Applicant indicated that the offence in 2015 related to his own property and he had tried to appeal the conviction but had been out of time. The Chairman indicated that the Applicant would be provided opportunity to explain any related circumstances, when asked to present his case.

The Applicant was then invited to present his case and in doing so, advised the Sub-Committee that he currently was a licensed taxi driver fin North Lincolnshire, regularly worked nights and had never had any complaints made against him. The Applicant gave examples to demonstrate his confidence in dealing with the public. He indicated he had recently moved to Gainsborough and thus would like to work where he resided.

The Applicants representative also addressed the Sub-Committee, expanding on the incident in 2015. This was as a result of a relationship with a woman and it was noted that the property actually damaged did belong to the Applicant, however he had been out of time to appeal the conviction. Issues surrounding this relationship were continuing to cause the Applicant difficulty. The Applicant was autistic and his representative was of the view that he was usually very gentle in nature, rarely losing his cool, however this women had been making his life very difficult. Hence, the Applicant had moved away, was trying to gain work locally and get his life back on track. He had made a mistake.

Correspondence from Humberside Police had been brought to the attention of the Sub-Committee, the Applicant outlined the circumstances surrounding the incident to which the letter referred.

The Sub-Committee posed a number of pertinent questions to Applicant during which the Applicant advised he had currently being living in Gainsborough around year, outlined his previous employment and confirmed that he did have an offer of employment (subject to gaining his licence) with immediate effect. The driving conviction, which the Applicant had referenced in his application was further explained and it was noted that this was prior to the Applicant having had a licence to drive a car; the offence was for speeding on a motorbike. The circumstances of both incidents of criminal damage were also shared with the Committee.

Questions were asked regarding the Applicants' temperament. Both incidents had related to relationship issues, they had occurred at a difficult point in his life and he had never lost his temper at work. The Applicant had indicated that some issues were ongoing and at the request of the Legal Adviser, the Applicant expanded.

In response to questions from the Licensing Manager, the Applicant confirmed he was currently licensed and had never been refused a licence. The Licensing Team Manager, re-affirmed to the Sub- Committee that the rest of the Applicant's application had been deemed satisfactory, safeguarding courses had been completed and the Applicant had been declared fit by the Doctor completing the medical form.

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". Current Policy suggested that where a conviction was less than 3 years old, Members should consider refusing the application. However, it was stressed that Policy acted as guidance, and Members could deviate from this with suitable reasoning. Public Safety must be Members paramount concern and the test would you let your mother, father, brother, sister etc was referred to. The Applicant in his final address to the Committee stressed the offences were not violent in nature and he regretted them sincerely. He wished to work locally, re-build his life and do a job which he considered he was good at.

The Sub-Committee then adjourned at 10.50am to deliberate on their decision.

The Sub-Committee reconvened at 11.15am and gave its decision.

“The Sub-Committee have read and heard all the information before them.

The Sub-Committee have heard from Mr CS that the speeding offence he received in 2001 was for speeding on a motorbike. He didn't at the time have a licence to drive a car.

The Sub-Committee have heard that the criminal damage offence in 2015 was as a result of a relationship with a woman. Issues surrounding this relationship continue through Court in relation to debt matters.

Mr CS advised he has moved to Gainsborough to get away from this woman. He also advised the Committee it later transpired that the damage to property was property that belonged to him.

The Sub-Committee have decided to grant the licence, together with a warning with regards to future conduct, if there are any further issues your case will be brought back before the Sub-Committee.

The Sub-Committee have decided to depart from their Policy in this instance because of the circumstances of the offence in February 2015.”

It was therefore **RESOLVED** that – the Licence be granted.

There was a right of appeal to the Magistrate's Court within 21 days.

The meeting closed at 11.16 am

Chairman