

# MINUTES

LICENSING COMMITTEE  
FRIDAY, 27 APRIL 2012



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## COMMITTEE MEMBERS PRESENT

Councillor Pam Bosworth (Chairman)  
Councillor George Chivers  
Councillor Breda Griffin  
Councillor Reginald Howard  
Councillor Vic Kerr

Councillor Bob Russell (Vice-Chairman)  
Councillor Susan Sandall  
Councillor Mrs Jean Taylor  
Councillor Frank Turner

## OFFICERS

Licensing Officers (Pam Robinson, Richard Etherton)  
Solicitor (Paul Rushworth)  
Democratic Officer (Lucy Bonshor)

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## 40. APOLOGIES

Apologies for absence were received from Councillor Broughton and Councillor Rowlands.

## 41. DECLARATIONS OF INTEREST

None declared.

## 42. MINUTES OF THE MEETING HELD 23RD MARCH 2012

The minutes of the meeting held on 23<sup>rd</sup> March were agreed as the correct record of the decisions taken.

## EXCLUSION OF THE PUBLIC

In accordance with Section 100A of the Local Government Act 1972, it was resolved that the public be excluded because of the likelihood in view of the nature of the business to be transacted that if members of the public were present there would be disclosure to them of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act.

**43. APPEAL RE PENALTY POINTS ISSUED TO A LICENSED HACKNEY CARRIAGE DRIVER**

**Decision**

- 1) That the Committee uphold the driver's appeal and agree to remove the points issued.**
- 2) The issue of congestion on the rank be looked into by the Licensing Officers together with the other partner agencies.**
- 3) Officers are reminded about the administration and accuracy of their reports.**

**The Committee wished to place on record a warning to the driver as to his future behaviour and to remind him that any further misconduct could result in him being brought back to the Committee.**

The Committee Solicitor introduced those present and confirmed the name of the applicant.

The Licensing Officer then introduced the report and gave Members background information which had led the driver to being issued with penalty points following a reasonable request by a Licensing Officer. She referred to the taxi rank situated on St Peter's Hill and the parking situated outside the doctor's surgery which required members of the public and hackney carriage driver's to carry out u-turns to exit the road. It also led to double parking by the hackney carriage driver's which caused congestion on the road and this was added to by hackney carriage driver's not using the first two spaces on the rank in accordance with the byelaws which governed the rank. When enforcement of the byelaws was being undertaken the traffic congestion was alleviated but as soon as Licensing officers or the police left hackney carriage driver's reverted back to not using the first two spaces. In January 2012 the Council adopted a Hackney Carriage and Private Hire Policy Penalty point scheme to formalise a stepped approach to enforcement. The Licensing Officer then outlined enforcement action that had taken place in February in accordance with the new policy and the issue of the penalty points to the Hackney Carriage Driver before Members today.

In response to the details before the Committee, the Hackney Carriage driver indicated that the dates were wrong and therefore he had no case to answer. It was agreed that a typographical error had occurred and there was still a case to be answered. A Member then asked when enforcement was undertaken, was this daily? The Licensing Officer replied that no, it wasn't daily.

The applicant was then asked to present his case once it had been clarified that he was there because of the penalty points issued to him which he was appealing against regardless of the incorrect dates given.

The applicant then presented his case and referred to both the position of the

rank and its legislation and the Highway Code in relation to the distance from junctions and parking. Clarification was asked about the position of a notice concerning the start of the rank which had been erected to which the Licensing Officer replied. He confirmed that the rank was marked out correctly and had the correct signage, he had consulted with Lincolnshire County Council as Highways Authority and the rank was suitable for usage and in a safe location provided it was used correctly.

The Licensing Officer then gave her closing statement and the options available to the Committee.

*(11.34am Licensing Officers and applicant left the meeting)*

Members discussed the information they had before them and the representations made by the applicant. Due to the inaccuracy of the reports and the representation made by the applicant it was proposed and seconded to uphold the driver's appeal and remove the points issued. Concern was expressed about the congestion on the St Peter's Hill rank and also about the driver's behaviour which Members felt was "out of order" and a warning should be issued as to his future conduct.

*(11.45am Licensing Officers and applicant return to the meeting)*

The solicitor to the Committee then read out the decision. The Committee had considered the representations of all parties and they had agreed to uphold the driver's appeal and have the points removed on the basis of the technicality relating to the dates. The Committee did consider the congestion on the taxi rank very important and part of the recommendation was for Officers together with the partnership agencies to go away and do all they can to address the issue of congestion on the rank. The Committee also reminded Officers as to the accuracy of their administrative reports. In concluding the Committee wished to place on record a strong warning to the applicant as to his future behaviour.

#### **44. CLOSE OF MEETING**

The meeting closed at 11.45am.