

MINUTES

LICENSING COMMITTEE
THURSDAY, 30 JUNE 2011



COMMITTEE MEMBERS PRESENT

Councillor Pam Bosworth (Chairman)
Councillor George Chivers
Councillor Breda Griffin
Councillor David Higgs

Councillor Reg Howard
Councillor Bob Russell (Vice-Chairman)
Councillor Mrs Jean Taylor
Councillor Frank Turner

OFFICERS

Licensing Officers (Peter Harrison, Pam Robinson)
Solicitor (Paul Rushworth)
Committee Support Officer (Lucy Bonshor)

1. APOLOGIES

An apology for absence was received from Councillor Selby and an apology for late arrival from Councillor Griffin.

2. DECLARATIONS OF INTEREST

None declared.

3. MINUTES OF THE MEETING HELD 4TH MARCH 2011

The minutes of the meeting held on 4th March 2011 were agreed as a correct record of the decisions taken.

EXCLUSION OF THE PUBLIC

In accordance with Section 100A(4) of the Local Government Act 1972, it was resolved that the public be excluded because of the likelihood in view of the nature of 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.

4. DECISION TO SUSPEND OF REVOKE HACKNEY CARRIAGE DRIVER'S LICENCE

Decision:-

To revoke the Hackney Carriage Licence, as the Committee considers due to the driver's recent conviction for theft and also the other supporting evidence including dishonesty with Lincolnshire Police and the local authority, the Committee do not feel that the applicant is a fit and proper person to hold such a licence, pursuant to Section 59 of the Local Government Miscellaneous Provisions Act 1976.

The Licensing Officer, Mrs Robinson introduced exempt report number ENV534 to Members and provided a background summary for which the driver had been cautioned. The Committee were being asked if the driver still met the "fit and proper" test as applied to all hackney carriage and private hire drivers. The applicant had received notification of when the Committee was being held and relevant paperwork by "certificate of service" but he was not in attendance.

Members expressed concern about the dishonesty that had been displayed by the licence holder.

The Licensing Officer then briefly summed up the case and advised Members of options available to them.

(10.36am the Licensing Officers left the meeting)

Members considered the report and legal advice relating to the 'fit and proper person' test. It was proposed and seconded that the Hackney Carriage Driver's licence be revoked. On being put to a vote, this was unanimously carried.

(10.40am the Licensing Officers returned)

The Legal Advisor to the Committee then read out the Committee's decision; The Committee was minded to revoke the applicants licence in consideration of his recent conviction for theft and also because he had not been honest with the police as part of the investigation of that conviction and he hadn't been honest with the local authority as part of his application.

The Licensing Officer then asked for clarification of a timeframe for when applicants could reapply for licenses and whether this could be incorporated within the decision. The Legal Advisor to the Committee indicated that this could have the potential of fettering local authority discretion and therefore he advised against it. It was suggested instead that when the decision is forwarded to the applicant reference is made to Home Office guidance on timeframes for reapplying.

5. DECISION TO RENEW OR REFUSE TO RENEW HACKNEY CARRIAGE DRIVER'S LICENCE

Decision:

To defer the application to the next scheduled meeting of the Licensing Committee.

The Licensing Officer informed the Committee that the applicant had asked for an adjournment as he was out of the country and he would like to attend the Committee. The Licensing Officer asked if would be possible to hold a meeting before the next scheduled meeting in August. Members felt it was unnecessary to call a meeting to hear just one application and the applicant would be issued a temporary badge until the next meeting so would not be disadvantaged. It was agreed that the application be deferred to the next scheduled meeting in August.

6. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE LICENCE

Decision:

That the application for a Hackney Carriage Licence be approved as applied for, as the Committee are satisfied that the driver is a 'fit and proper person' pursuant to Section 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The Legal Advisor introduced those present and clarified the applicant's name and that he was present to speak on his own behalf and confirmed that the public were excluded from the meeting.

The Committee had before them exempt report number ENV532 by the Service Manager, Community Safety and Licensing, which was an application for a Hackney Carriage Driver's Licence. The Licensing Officer presented the report and provided a brief background to the application and summary of the offences for which the applicant had been convicted, as well as other related information. He asked the Committee to consider whether the driver was a 'fit and proper person' to hold a Hackney Carriage Driver's Licence.

The applicant then presented his case and answered Members questions.

The Licensing Officer informed the Committee that all applicants had to undertake a group 2 medical before a licence was issued. The applicant had undertaken this and had been passed as fit to drive.

The Licensing Officer then gave a closing statement in which he reminded Members to have regard to the report, the appendices attached to the report and any other information supplied by the applicant at the meeting. Members

options were to either:

- issue a licence to drive a hackney carriage
- or refuse to issue a licence to drive a hackney carriage on the grounds that the applicant is not a fit and proper person to hold such a licence under Section 59A of the Local Government (Miscellaneous Provisions) Act 1976.

-
(10.57am Applicant and Licensing Officers left the meeting)

Members considered the report, the applicant's convictions, the time elapsed since the convictions and the applicant's current behavior. It was proposed and seconded that the Licence Holder was a 'fit and proper person' to hold a Hackney Carriage Driver's Licence. On being put to a vote, this was unanimously carried.

(11.00am Applicant and Licensing Officers returned to the meeting)

The Legal Advisor advised the applicant that the Committee had decided to approve the issue of a hackney carriage driver's licence.

7. CLOSE OF MEETING

The meeting closed at 11.02am.