

Minutes

Licensing Committee
Friday, 4 December 2020



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee members present

Councillor Harrish Bisnauthsing
Councillor Mrs Pam Bosworth (Chairman)
Councillor Robert Broughton
Councillor George Chivers
Councillor Helen Crawford
Councillor Mrs Rosemary Kaberry-Brown
Councillor Ms Jane Kingman
Councillor Philip Knowles
Councillor Nikki Manterfield
Councillor Dean Ward (Vice-Chairman)

Officers

Licensing Officer (Chris Clarke)
Legal Advisor (Mandy Braithwaite)
Technical Officer (Julie Edwards)
Democratic Officer (Lucy Bonshor)

7. Register of attendance and apologies for absence

Apologies for absence were received from Councillor Steptoe, all other Committee members were present.

8. Disclosure of interests

None disclosed.

9. Minutes of the meeting held on 13 November 2020

The minutes of the meeting held on 13 November 2020 were agreed as a correct record of the decisions taken.

Exclusion of Press and Public

The press and public were excluded from the meeting during consideration of the following items of business because of the likelihood that information that was exempt under paragraph 1 and 2 of the Schedule 12A of the Local Government Act 1972 (as amended) would be disclosed to them.

10. Hackney Carriage Driver

Decision

That a severe warning is given to the Hackney Carriage Driver about his future conduct and that as soon as practicable the Lincolnshire Road Safety Partnership is undertaken and the Committee notified of when the test has been taken.

The applicant was in attendance.

The Licensing Officer presented report ENV774 which concerned whether or not the hackney carriage driver remained a fit and proper person to hold a hackney carriage licence. The Licensing Section had been contacted in November 2020 by the driver to update the section on points that he had acquired on his DVLA driving licence. The total outstanding DVLA points were now 13. Details of the offences and fines were contained within the exempt appendices appended to the report. The driver had held a South Kesteven hackney carriage licence since 2010.

The driver then presented his case to the Committee and the circumstances around the issue of the offences and the reason why his DVLA licence had not been taken away and answered Members questions thereon. Clarity was sought in relation to the Lincolnshire Road Safety Partnership driving test that the driver had taken in 2019 and it was noted that a further test was required to be taken. A letter had been sent to the driver and he confirmed that he had received the letter.

The Licensing Officer then gave this closing statement. Members were asked to consider the report and appendices before them and any representations made during the meeting and decide whether to:

- Suspend the driver for a defined period of time.
- Revoke the hackney carriage driver's licence on the grounds that the applicant was not a fit and proper person to hold such a licence under Section 61 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1976.
- Issue a warning.
- Take no action.

The driver gave a brief closing statement reminding Members that he had held a licence for 10 years and during that time he had not had any issues and he did complete the Lincolnshire Road Safety Partnership driving test in 2019.

(10:26 Licensing Officer and driver left the meeting)

Members discussed the application before them. Concern was expressed about the driver's attitude to speeding and the public's safety. It was noted that the driver also had an offence for using a mobile phone whilst driving which was classed as a serious offence. It was acknowledged that the Magistrates had not revoked the driver's DVLA licence but that he had to attend another Lincolnshire Road Safety Partnership driving test. It was proposed that the licence be suspended until the driver had completed the test, however due to the current pandemic all tests were currently suspended. The amount of time that the driver had held a licence was taken into consideration and that no issues had become known until the previous year. Members felt that the offences did not result in the need to revoke the licence, but suspension of the licence for a fortnight was discussed. The Legal Advisor reminded Members of the current guidance in relation to convictions and what was considered a major offence and the recent licensing training that Members had undertaken. Further discussion followed and it was proposed that the driver be given a severe warning about his driving conduct and the need to adhere to the speed limit at all times. The driver was also to undertake a Lincolnshire Road Safety Partnership driving test as soon as possible once they recommenced and the Committee were to be notified when this happened. They did not want to see the driver before the Committee again. The proposal was seconded and on being put to the vote the Chairman's casting vote was used for a severe warning to be given.

(10:58 the Licensing Officer and driver returned to the meeting)

The Legal Advisor read out the Committee's decision. The Committee had taken into consideration the report, appendices, representations made, legislation, South Kesteven's Policy, guidance and the Councillors Handbook. The Committee had found that the number of points on the applicant's DVLA licence was concerning and public safety was paramount. Twenty Nineteen seemed to be a bad year for the driving offences and the Committee acknowledged that mistakes are made. It was imperative, as a hackney carriage driver that the speed limit was adhered to at all times. Mobile phones should never be used whilst driving; it was an extremely serious offence, irresponsible and put the public at risk. The Committee had decided to issue the driver with a severe warning. Suspension of his licence had been narrowly missed. The Committee wanted the driver to take the Lincolnshire Road Safety Partnership driving test as soon as possible and they wanted to be notified when this had taken place. The Committee did not want to see the driver before them again as future sanctions could be great and the driver may risk losing his licence.

11. Close of meeting

The meeting closed at 11:00am.