

A record of the meeting of the Taxi Licensing Sub-Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely, on Tuesday 23<sup>rd</sup> September 2014 at 11.00am

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**P R E S E N T**

Councillor Michael Allan  
Councillor Colin Fordham  
Councillor Tony Parramint

**I N A T T E N D A N C E**

Driver (iv) – Applicant  
Mr (iii) – Witness for Applicant

**O F F I C E R S**

Maggie Camp – Senior Legal Assistant  
Stephen Carrington – Licensing Officer (Enforcement)  
Janis Murfet – Democratic Services Officer

1. **ELECTION OF CHAIRMAN**

It was resolved:

That Councillor Michael Allan be elected as Chairman for the duration of the Sub-Committee Hearing.

2. **DECLARATIONS OF INTEREST**

No declarations of interest were received.

3. **INTRODUCTIONS**

The Chairman welcomed everyone to the meeting and invited Members and Officers to introduce themselves. He then drew attention to the Hearings Procedure contained within the agenda papers.

It was noted that Councillor Allen Alderson had been due to attend the Hearing as the Reserve Member. However, having had an accident, he was now unable to attend and therefore offered his apologies.

In response to a question from the Chairman, the Applicant confirmed that he had received a copy of the Agenda papers.

4. **EXCLUSION OF THE PRESS AND PUBLIC**

It was resolved:

That the press and public be excluded during the consideration of Item No 5 because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories 1,2 & 7 Part 1 Schedule 12A of the Local Government Act 1972 (as Amended).

5. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976. PART II – TO DETERMINE A NEW APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE.**

The Taxi Licensing Sub-Committee was presented with a report (P77), previously circulated, from which Members were asked to consider an application for a Joint Hackney Carriage and Private Hire Driver Licence, and to decide whether the Applicant was a “fit and proper” person to hold such a licence.

At the request of the Chairman, the Licensing Officer presented the report, giving a précis of the report to the Sub-Committee.

The Licensing Officer advised Members of the background details to the case, the past history of the Applicant, and the reason for the matter being referred to the Taxi Licensing Sub-Committee, including reference to the Council’s Taxi & Private Hire Guide (Blue Book).

It was noted that the Rehabilitation of Offenders Act 1974 did not apply to individuals applying for a licence or renewing a licence as a Joint Hackney Carriage and Private Hire Driver. In determining fitness for the grant of a driver licence, Members could consider all matters relating to an Applicant/Licence Holder and take into account previous history, past convictions, cautions, warnings or other relevant matters, even where such convictions would normally be considered “spent” under the Rehabilitation of Offenders Act 1974.

In coming to a decision, Members had to give consideration to Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, Part II, which stated:

*“a district council shall not grant a licence unless it is satisfied that the applicant is a fit and proper person to hold a driver licence”*

The Council could only grant an application for a Joint Hackney Carriage & Private Hire Driver Licence if it was satisfied that the Applicant was a “fit and proper” person as specified under the Act.

The Council had a duty to ensure that a safe and secure taxi service was available to the travelling public. When making their decision, the over-riding consideration for Members of the Taxi Licensing Sub-Committee was the safety, wellbeing and protection of the travelling public.

The Licensing Officer reiterated that every case should be considered on its own merits. Members were reminded that they could either grant the Joint Hackney Carriage & Private Hire Driver Licence, or refuse the application, and they had to give reasons for each of their decisions.

At the conclusion of the Licensing Officer’s presentation the Chairman asked the Applicant whether the content of the Officer’s report was accurate. The Applicant confirmed that the report was accurate.

Members did not have any questions to ask of the Licensing Officer at this point.

At the invitation of the Chairman, the Applicant addressed the Sub-Committee in support of his application and he responded to comments and questions from Members.

At the invitation of the Chairman, the Applicant’s Supporter addressed the Sub-Committee.

The Chairman, having established that there were no further comments or questions, announced that the Sub-Committee would retire to deliberate on the application and would then return to announce its decision.

The Sub-Committee retired from the Council Chamber at 10.40am and returned to the Chamber at 11.34am.

The Senior Legal Assistant read out the Sub-Committee’s decision, and

It was resolved:

That Driver (iv)’s application for a Joint Hackney Carriage & Private Hire Driver Licence be granted.

The Senior Legal Assistant informed the Applicant that he would receive a letter confirming the decision to grant the Joint Hackney

Carriage & Private Hire Licence, and she reminded him of his right of appeal to the Magistrates' Court within 21 days of notice of the decision.

The meeting closed at 11.37am.