

Minutes of a Meeting of the Licensing Sub-Committee  
held in the Council Chamber, The Grange, Nutholt Lane, Ely  
on Friday 31<sup>st</sup> March 2017 at 11.00am.

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**P R E S E N T**

Councillor Chris Morris (Chairman)  
Councillor Sue Austen  
Councillor Julia Huffer  
Councillor Carol Sennitt  
Councillor Alan Sharp

**OFFICERS**

Stewart Broome – Senior Licensing Officer  
Maggie Camp – Legal Services Manager  
Lyndsay Kirkby – Trainee Solicitor  
Liz Knox – Environmental Services Manager  
Adrian Scaites-Stokes – Democratic Services Officer

**ALSO PRESENT**

Mr Robert Parker – Driver  
Complainant A  
Complainant A's Supporter

1. **INTRODUCTIONS**

The Chairman welcomed everyone to the meeting and introductions were made.

2. **DECLARATIONS OF INTEREST**

Councillor Sue Austen stated that she lived near Person C but had not had any conversations with them nor did she know Mr Parker.

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

That the press and public be excluded during the consideration of item no. 3 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 and 7 of Part 1 Schedule 12A of the Local Government Act 1972 (as Amended).

4. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PART II**

The Sub-Committee received a report, (R250) previously circulated, to consider whether Mr Robert Parker was still a 'fit and proper' person for the purposes of holding a joint hackney carriage and private hire driver licence.

Mr Parker confirmed that he had received a copy of the report and agreed that it was correct.

The Senior Licensing Officer advised the Sub-Committee that Complainant B had offered apologies for his non-attendance. The Sub-Committee had to decide whether Mr Parker was 'fit and proper' to continue to be able to hold a licence and apologised for the size of the extensive report.

The Senior Licensing Officer advised the Sub-Committee of the background details to the case. Complainant B had made a complaint on 5<sup>th</sup> April 2016 alleging that Mr Parker had refused to repay a loan and had amended an agreement unilaterally. A further complaint was received on 2<sup>nd</sup> November 2016 from Complainant A. Mr Parker had approached Complainant A to gain funding, which was granted, and then approached Complainant A later for more money, both for specific reasons. The money had then been used for different purposes and only a part of the money had been paid back.

Complainant A gave their statement and revealed that Mr Parker had approached them asking for various amounts of money for different reasons. Promises to repay all the money had not materialised, although some had been repaid.

Complainant A's Supporter then addressed the Sub-Committee stating that he had taken advantage of a vulnerable person and taken their savings. She did not consider somebody owing the money fit or honourable.

Mr Parker explained the circumstances surrounding his dealings with Complainant B. He then informed the Sub-Committee as to the further events relating to problems with his vehicle and the Council's subsequent actions.

The Members of the Sub-Committee asked Mr Parker questions of clarification and noted that Mr Parker had no business plan, the money received had not been invested wisely and the promised projects had not been instigated, with the money used for different purposes.

The Senior Licensing Officer reminded the Sub-Committee that everything the Licensing department did was fair, proportionate and moderate and there were procedures in place and stated that with regards to Mr Parker's statement about a vehicle suspension, full information had been provided to Mr Parker but he had failed to heed the warnings. He had fallen foul of a technical breach relating to the vehicle but if he had reacted to the warnings there would not have been a problem.

Mr Parker then gave more information about his business dealings. This was followed by more questions from the Sub-Committee Members with Mr Parker blaming his business problems for the situation, stating he had been willing to repay the money and offered an apology for the current situation.

The Senior Licensing Officer then asked Mr Parker a number of questions about his actions and Mr Parker explained the reasoning behind his decisions. Further questions were asked by Members with Mr Parker giving some clarification.

Mr Parker was asked if he wished to make a last statement. Mr Parker thought that the Sub-Committee had to determine whether he had conducted himself as a 'fit and proper' person, compared to other drivers who had convictions but were allowed to drive. He admitted to making mistakes but thought that should not affect his licence.

The Senior Licensing Officer reminded the Sub-Committee that Mr Parker's previous actions should be taken into consideration when determining his fitness, even though they related to a civil matter. Although the incidents related to 2014 the effects were still present and the Council only became aware of them in 2016. Being a 'fit and proper' person was multi-faceted and the Sub-Committee had to balance Mr Parker's honesty and moral behaviour in a reasonable way before deciding on appropriate action. The decision should be made on the evidence heard and presented in the report.

The Sub-Committee meeting was adjourned at 12:29pm so the Sub-Committee could make its deliberations. Everybody, except the Sub-Committee, Legal Services Manager and Trainee Solicitor, exited the room.

The Sub-Committee meeting reconvened at 13:40am.

The Chairman asked the Legal Services Manager to read out the decision of the Sub-Committee.

In reaching their decision, Members had considered the extensive information contained in the report, the oral submissions made today and the questions asked and answers given.

Members had decided to revoke Mr Parker's Joint Hackney & Private Hire licence with immediate effect in the interests of public safety, as Members had a duty to protect the travelling public and they had received no assurances today that Mr Parker would not do this again.

Members considered that Mr Parker's behaviour fell below the standard expected of a fit and proper person in that his behaviour was not the appropriate behaviour

between a taxi driver and a client, there was no safe guarding in place, he had a reckless disregard for Complainant A's vulnerability and their investment. The biggest harm was done in 3 months and during one month alone this amounted to a considerable amount. He had no business plan, no thought process to contact the Council to check if his behaviour was appropriate, which was unusual given he had sought advice on other matters, as if he had, he would have been told that this was not appropriate. Mr Parker could have limited the risk to Complainant A by only borrowing a deposit. He knew Complainant A was vulnerable with limited means, limited to the sale proceeds of a house. Members asked themselves if Mr Parker acted in an honest way, appropriate to a fit and proper person, and concluded that he had not.

As part of the Decision, if Mr Parker applies to the Council for a new Hackney & Private Hire licence in the next 5 years of his licence being revoked, then this was likely to be refused.

Mr Parker had the right to appeal this decision to the Magistrates' court within 21 days of receiving the decision notice.

The meeting concluded at 13:43 a.m.