

## **AGENDA ITEM NO. X**

A record of the meeting of the Taxi Licensing Sub-Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely, on Wednesday 15<sup>TH</sup> April 2015 at 9.30am

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### **P R E S E N T**

Councillor Allen Alderson  
Councillor Sue Austen  
Councillor Lindsey Harris  
Councillor Andy Wright (Reserve Member)

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

Mr Mark Cooney – Licence Holder  
Complainant A  
Complainant B

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

Lin Bagwell – Licensing Officer (Enforcement)  
Maggie Camp – Solicitor  
Liz Knox – Environmental Services Manager  
Adrian Scaites-Stokes – Democratic Services Officer

#### **1. ELECTION OF CHAIRMAN**

It was resolved:

That Councillor Allen Alderson be elected as Chairman for the duration of the Sub-Committee Hearing.

#### **2. I N T R O D U C T I O N S**

The Chairman welcomed everyone to the meeting and invited all present to introduce themselves.

#### **3. D E C L A R A T I O N S O F I N T E R E S T**

Councillor Allen Alderson declared a personal interest as the A10 Taxi offices were used by the Conservative Group for their offices.

The Licence Holder and Complainants confirmed they had received the agenda papers prior to the meeting.

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

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 – REVIEW OF A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE.**

The Sub-Committee received a report, reference P236 previously circulated, that considered whether the Licence Holder was a fit and proper person to hold such licences.

The Licensing Officer (Enforcement) advised the Sub-Committee that it had to determine whether the Licence Holder was 'fit and proper' to hold those licences and had to consider what action to take, as the options shown under paragraph 2.1 of the report.

The Licensing Officer (Enforcement) informed the Sub-Committee of the background to the case and the sequence of events leading up to the incident. The Sub-Committee were reminded that the Council had to ensure the safety and security of taxi services for the travelling public. Mr Cooney had continued to breach the relevant rules and Members had to consider whether anyone would be driven in a safe and considerate manner. Mr Cooney was reminded that his details would be published in the public version of these minutes if action was taken.

The Chairman asked Mr Cooney whether the officer's report was correct. Mr Cooney stated there were some discrepancies.

The Chairman then invited Complainant A to address the Sub-Committee. Complainant A expressed disappointment with what had happened and the effect it had on Complainant B. Complainant B confirmed her written statement, received previously, was a true record of the incident.

The Sub-Committee asked questions of clarification of the Complainants.

Mr Cooney was then given the opportunity to state his case and his view of the incident. He had also submitted a written statement previously.

The Sub-Committee and Solicitor asked questions of clarification of the licence holder.

*The Sub-Committee adjourned at this point, 10:20am.*

*The Sub-Committee reconvened at 10:57am.*

The Solicitor read out the decision of the Sub-Committee:

### **Decision**

After consideration of the information supplied by the Licensing Officer, the statements of Mr Cooney, Complainant A and Complainant B and the guidance set out in the Taxi and Private Hire Guide November 2014 Conditions 1(a) and 1(g) with regard to driver conduct and Byelaw 9 of the Council's Byelaws in respect of hackney carriages made in February 2007 under s68 Town Police Clauses Act and s171 Public Health Act 1875 together with the oral representations made at the hearing, Members resolved that your joint hackney carriage and private hire driver licence should be immediately suspended.

### **Reasons**

The Council has a duty to ensure that a safe and secure taxi service is available to the travelling public. The overriding consideration for Members of the Taxi Licensing Sub Committee when making their decision is the safety, well being and protection of the travelling public. In light of the fact that you left Complainant B in a very vulnerable position late at night, Members do not consider you to be a fit and proper person to hold a joint hackney carriage and private hire driver licence.

You have the right to appeal this decision to the Magistrates' Court within 21 days of receipt of the decision letter.

The meeting concluded at 11.00am.