

A record of the meeting of the Taxi Licensing Sub-Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely, on Wednesday 19<sup>th</sup> November 2014 at 10.31am

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

Councillor Sue Austen  
Councillor Colin Fordham  
Councillor Andy Wright  
Councillor Lindsey Harris (Reserve Member)

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

Driver (iv) – Applicant  
Mr (C) – Applicant's Supporter  
Mrs (D) – Applicant's Wife

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

Amanda Apcar – Principal Solicitor  
Lin Bagwell – Licensing Officer (Enforcement)  
Janis Murfet – Democratic Services Officer

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

It was resolved:

That Councillor Andy Wright 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 all present to introduce themselves.

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**

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.**

For the benefit of the Applicant, the Chairman explained that the procedure for the meeting would follow a set order.

The Taxi Licensing Sub-Committee was presented with a report (P130), 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 on behalf of her colleague, Mr Carrington.

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.

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 of the Sub-Committee did not have any comments or questions for the Licensing Officer.

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, Mr (C) addressed the Sub-Committee in support of the Applicant.

At the invitation of the Chairman, Mrs (D) addressed the Sub-Committee in support of the Applicant.

In response to a comment from the Licensing Officer, the Applicant explained how he would react to a given situation.

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 10.55am and returned to the Chamber at 11.05am.

The Chairman read out the Sub-Committee’s decision, and

It was resolved:

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

The Chairman informed the Applicant that he would receive a letter confirming the decision to grant the Joint Hackney Carriage & Private Hire Licence, and he reminded him of his right of appeal to the Magistrates' Court within 21 days of notice of the decision.

The meeting closed at 11.08pm.