



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

A record of the meeting of the Taxi Licensing  
Sub-Committee held in the Council Chamber,  
The Grange, Nutholt Lane, Ely on Wednesday  
10 July 2013 at 10.45am

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

Councillor Chris Morris (Chairman)  
Councillor Lindsey Harris  
Councillor Tony Parramint (until end of Minute No. 2)  
Councillor Philip Read (Reserve Member)

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

Driver (v) – Licence Holder  
Mrs (vi) – Licence Holder's Colleague  
Ms (vii) – Witness for Licence Holder

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

Amanda Apcar – Principal Solicitor  
Lin Bagwell – Licensing Officer (Enforcement)  
Melanie Sage – Democratic Services Officer

### **A L S O I N A T T E N D A N C E**

Councillor Michael Allan, Chairman of Licensing Committee (in  
an observer capacity)

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

It was resolved:

That Councillor Morris be elected as Chairman of the Taxi  
Licensing Sub-Committee for the duration of the Sub-Committee  
Hearing.

#### **2. DECLARATIONS OF INTEREST**

The Democratic Services Officer noted that the Reserve  
Member, Cllr Read, had substituted Cllr Parramint on the Taxi  
Licensing Sub-Committee. The Democratic Services Officer enquired  
whether Cllr Parramint had an interest to declare. Cllr Parramint  
declared that he knew the Licence Holder well and had done so for  
some time. Cllr Parramint was therefore advised to leave the meeting.

*At this point of the meeting Cllr Parramint left the Taxi Licensing Sub-Committee meeting and did not return to the Council Chamber.*

The Democratic Services Officer explained to the Licence Holder that 3 Members were required to form a Taxi Licensing Sub-Committee and that the Reserve Member was used in the event of ineligibility of any of the three Sub-Committee Members, in cases such as these.

3. **INTRODUCTIONS**

The Chairman welcomed the Licence Holder and he noted that Cllr Michael Allan, Chairman of the Licensing Committee, was currently in attendance as he wished to observe proceedings. The Chairman asked for the Licence Holder's permission for Cllr Allan to remain in attendance for the duration of the Sub-Committee meeting. The Licence Holder confirmed that Cllr Allan could remain in attendance.

The Chairman confirmed the name of the Licence Holder's Colleague.

The Chairman invited Members and officers present to introduce themselves as seated beginning with the Sub-Committee Members – Cllrs Harris, Morris and Read followed by the Principal Solicitor, Licensing Officer (Enforcement) and Democratic Services Officer.

The Chairman explained the procedure that the Sub-Committee would follow by reading the Hearings Procedure in full, as included within the agenda.

The Chairman confirmed with the Licence Holder that he had received the officer's report.

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 was 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 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 Taxi Licensing Sub-Committee were presented with a report (N51), previously circulated, to review a Joint Hackney Carriage and Private Hire Driver Licence, and to decide whether the Licence Holder was a 'fit and proper' person to hold such a licence.

At the request of the Chairman, the Licensing Officer (Enforcement) presented the report.

The Licensing Officer (Enforcement) read the report to the Sub-Committee in full with the exception of the text contained within the table in paragraph 3.3 of the officer's report.

The Licensing Officer (Enforcement) advised Members of the background details to the case, the past history of the Licence Holder and why the matter was being referred to the Taxi Licensing Sub-Committee including reference to the Council's Taxi and Private Hire Guide (Blue Book).

The Rehabilitation of Offenders Act 1974 does 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 can 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.

The Licensing Officer (Enforcement) noted that the Local Government (Miscellaneous Provisions) Act 1976, Part II, Section 61 gives the Council powers to suspend or revoke a Private Hire Driver licence. The same power is also available for Hackney Carriage Driver licences under the same section of the Act.

The grounds available to exercise these powers under Section 61(1) are:

- (a) *that he/she has since the grant of the licence:*
  - (i) *been convicted of an offence involving dishonesty, indecency or violence; or*
  - (ii) *been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of this Act; or*
- (b) *any other reasonable cause.*

Section 61(2) of the Act states that:

- (a) *Where a district council suspends, revokes or refuses to renew any licence under this section it shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which it has refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district council the driver badge issued to him/her in accordance with Section 54 of this Act.*
- (b) *If any person without reasonable excuse contravenes the provisions of this section he/she shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.*

The Council has a duty to ensure that a safe and secure taxi service is available to the travelling public. The over-riding consideration for the Members of the Taxi Licensing Sub-Committee when making their decision is the safety, well-being and protection of the travelling public.

Every case should be dealt with on its own merits. Members were requested to consider the following options regarding the current Joint Hackney Carriage and Private Hire Driver Licence:

- a) To take no further action;
- b) To issue a written warning as to future behaviour;
- c) To suspend the licence
- d) To suspend the licence whilst the Driver undertakes/completes specified training;
- e) To implement an immediate suspension of the licence;
- f) To revoke the licence;
- g) To refuse to renew the licence.

Members must give reasons for their decisions.

At the conclusion of the officer's presentation the Chairman asked the Licence Holder whether he was content with the accuracy of the officer's report. The Licence Holder confirmed that the officer's report was accurate.

The Chairman provided an opportunity for Members to ask questions of the Licensing Officer (Enforcement).

There being no other questions for the Licensing Officer (Enforcement) the Chairman invited the Licence Holder to address the committee in support of his case. Subsequently Members asked questions of the Licence Holder.

The Chairman invited the Witness to address the Sub-Committee in support of the Licence Holder.

There being no further comments or questions the Chairman announced that the Sub-Committee would retire to deliberate on the matter and would then return to announce its decision.

The Taxi Licensing Sub-Committee retired from the Council Chamber at 11.20am. The Taxi Licensing Sub-Committee returned to the Council Chamber at 11.46am.

Upon returning to the Council Chamber the Chairman announced that the Taxi Licensing Sub-Committee had made a decision.

The Chairman announced that the Taxi Licensing Sub-Committee had decided to suspend the Licence Holder's joint Hackney Carriage and Private Hire driver licence for a period of 28 days. The Chairman provided the reasons why the Taxi Licensing Sub-Committee had reached its decision.

The Licence Holder was informed that he had the right to appeal to the Magistrates Court against any decision of the Council's Taxi Licensing Sub-Committee within 21 days of notice of the decision.

It was resolved:

To suspend the joint Hackney Carriage and Private Hire Driver Licence of Driver (v) for a period of 28 days.

The meeting concluded at 11.49am.