



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
13 February 2013 at 9.35am

P R E S E N T

Councillor Tony Goodge (Chairman)
Councillor David Ambrose Smith
Councillor Chris Morris
Councillor Charles Roberts (Reserve Member)

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

Driver (ii) – Applicant
Mr (iii) – Translator
Miss (iv) – Witness for Applicant

O F F I C E R S

Elizabeth Bailey – Principal Environmental Health Officer
(Commercial)
Sarah Burns – Senior Legal Assistant
Liz Knox – Head of Environmental Services
Melanie Sage – Democratic Services Officer

1. ELECTION OF CHAIRMAN

It was resolved:

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

2. DECLARATIONS OF INTEREST

No declarations of interest were received.

3. INTRODUCTIONS

The Chairman welcomed the Applicant and apologised for the
late commencement of the meeting. The Chairman invited Members
and officers present to introduce themselves as seated beginning with
the Democratic Services Officer, followed by Cllrs Ambrose Smith,
Morris, Goodge, the Senior Legal Assistant, Principal Environmental
Health Officer and Head of Environmental Services. The Chairman
also noted that Cllr Roberts was in attendance as the Reserve

Member, to be used in the event of ineligibility of any of the three Sub-Committee Members.

The Chairman confirmed with the Applicant 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 - TO DETERMINE A NEW APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

The Taxi Licensing Sub-Committee were presented with a report (M242), previously circulated, to consider an application for the grant of a Joint Hackney Carriage and Private Hire Driver Licence, and to decide whether the Applicant was a 'fit and proper' to hold such a licence.

At the request of the Chairman, the Principal Environmental Health Officer presented the report.

The Principal Environmental Health Officer read the report to the Sub-Committee in full with the exception of specified text contained within the table listed in paragraph 3.5 of the report, and the text within paragraphs 6 and 7 of the officer's report.

The Principal Environmental Health Officer advised Members of the background details to the case 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 Principal Environmental Health Officer noted that in making their decision, Members must give consideration to Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, Part II, which states:

'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',

and that the Council can only grant an application for a Joint Hackney Carriage and Private Hire Driver Licence if it is satisfied that the applicant is a 'fit and proper person' as specified under the Act.

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

Members were requested to consider the following options regarding the application for the grant of a Joint Hackney Carriage and Private Hire Driver Licence:

- (i) to allow the application and issue the Joint Hackney Carriage and Private Hire Driver Licence as applied for; or
- (ii) to refuse the application on the basis that the applicant was not a 'fit and proper person' to hold a Joint Hackney Carriage and Private Hire Driver Licence.

Each case should be dealt with on its own merits and Members were reminded that they must give reasons for each of their decisions.

At the conclusion of the officer's presentation the Chairman enquired whether the Applicant was content with the accuracy of the officer's report. The Applicant confirmed that he understood the officer's report.

The Chairman provided an opportunity for Members to ask questions of the Principal Environmental Health Officer.

The Chairman confirmed that there were no further questions from Members for the Principal Environmental Health Officer and subsequently Members and the Senior Legal Assistant asked questions of the Applicant.

The Chairman invited the Witness to make a statement in support of the Applicant.

The Chairman provided the Applicant with a final opportunity to address the Sub-Committee before it retired to deliberate.

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 10.05am. The Taxi Licensing Sub-Committee returned to the Council Chamber at 10.29am.

Upon returning to the Council Chamber the Chairman announced that the Taxi Licensing Sub-Committee had made a decision and requested that the Senior Legal Assistant announce its decision.

The Senior Legal Assistant stated that the Taxi Licensing Sub-Committee had resolved to grant the application and issue the Joint Hackney Carriage and Private Hire Drivers licence, and provided the reasons why the Taxi Licensing Sub-Committee had reached its decision.

The Applicant 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 grant a joint Hackney Carriage and Private Hire Drivers Licence to Driver (ii).

The meeting concluded at 10.31am.