



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 Monday  
22 July 2013 at 9.30am

### **PRESENT**

Councillor Michael Allan (Chairman)  
Councillor Sue Austen  
Councillor Tony Parramint  
Councillor Elaine Griffin-Singh (Reserve Member)

### **IN ATTENDANCE**

Driver (viii) – Applicant  
Mr (ix) – Witness for Applicant

### **OFFICERS**

Maggie Camp – Senior Legal Assistant  
Lin Bagwell – Licensing Officer (Enforcement)  
Melanie Sage – Democratic Services Officer

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

It was resolved:

That Councillor Allan 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 invited Members and officers present to introduce themselves as seated beginning with the Licensing Officer (Enforcement), the Senior Legal Assistant, followed by Cllrs Austen, Allan, Parramint, the Democratic Services Officer and Cllr Griffin-Singh who was in attendance as the Reserve Member, to be used in the event of ineligibility of any of the three Sub-Committee Members.

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 (N67), previously circulated, 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.

The Licensing Officer read the report to the Sub-Committee in full with the exception of the text contained within the table in paragraph 3.2 of the officer's report.

The Licensing Officer advised Members of the background details to the case, the past history of the Applicant 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 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 making their 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 and 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. The over-riding consideration for Members of the Taxi Licensing Sub-Committee when making their decision was 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 application for a Joint Hackney Carriage and Private Hire Driver Licence:

- a) To grant the Joint Hackney Carriage and Private Hire Driver Licence; or
- b) To refuse the application for a Joint Hackney Carriage and Private Hire Driver Licence.

Members must give reasons for their decisions.

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

There being no questions for the Licensing Officer the Chairman provided an opportunity for Members to ask questions of the Applicant.

The Chairman invited the Witness to address the Sub-Committee 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 9.56am. The Taxi Licensing Sub-Committee returned to the Council Chamber at 10.33am.

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 refuse the application for a Joint Hackney and Private Hire Driver Licence as the Sub-Committee was not satisfied that the Applicant was a fit and proper person. The Senior Legal Assistant provided the reasons why the Taxi Licensing Sub-Committee had reached its decision.

The Senior Legal Assistant advised those present that the decision notice would be sent to the Applicant within 7 days and that the Applicant had a right of appeal within 21 days from receipt of the notice.

It was resolved:

To refuse to grant a Joint Hackney Carriage and Private Hire Driving Licence to Driver (viii) on the basis that she was not a fit and proper person to hold such a Licence for the reasons given by the Taxi Licensing Sub-Committee.

The meeting concluded at 10.34am.