

MINUTES of a meeting of the TAXI AND PRIVATE HIRE SUB COMMITTEE held in the Council Offices, Coalville on MONDAY, 16 DECEMBER 2019

Councillors E G C Allman, J Clarke and M D Hay

Officers: Mr P Dennis, Mrs C Hammond and Ms K Stockley

The applicant was in attendance

11 ELECTION OF CHAIRMAN

It was moved by Councillor E Allman , seconded by Councillor M Hay and

RESOLVED THAT:

Councillor J Clarke take the chair for the remainder of the meeting.

12 APOLOGIES FOR ABSENCE

There were no apologies for absence.

13 DECLARATIONS OF INTEREST

There were no declarations of interest.

14 EXCLUSION OF PRESS AND PUBLIC

RESOLVED THAT:

In pursuance of Section 100A (4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A to the Act, and in the circumstances of the matter under consideration, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

15 APPLICATION FOR A DUAL DRIVER'S LICENCE

The Chairman introduced the parties and outlined the procedure to be followed.

The Hearing regulations 2005 stated that the Authority must allow parties an equal period of time in which to present their evidence. It was agreed that the maximum time limit for each presentation be 10 minutes.

The Licensing Enforcement Officer presented the report, which asked members to determine whether the application for a dual hire driver's licence should be granted.

In response to questions from Councillor E Allman and the Legal Advisor, the Licensing Enforcement Officer advised that the two convictions that were unknown where after the applicant's license had ended, that the applicant was currently working as a booking officer for another taxi firm and that all the required training courses had been or would be undertaken when required.

The applicant addressed the meeting. He explained to the committee the background to the first conviction and that he was an innocent party to a fraud incident, of which he was embarrassed and it was unfortunate. In relation to the school contract matter, he advised that due to his car being in the garage for repairs and an MOT he had been using a hire

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car, which he had plated. He took the hire car back but had forgotten to put the plates back on for his usual car. He explained that the passenger's father had been unable to take him and had the applicant not picked him up the passenger would not of gone to school with any other driver. He admitted that he should not have carried out the contract booking and advised the enforcement officer as soon as it had happened.

The Licensing Enforcement Officer confirmed that no complaints had ever been received about the applicant.

In response to questions from Councillor J Clarke, the applicant advised that everyone made mistakes, and that he put his hands up to the ones he had made and that he was not proud them. He added that it was his responsibility to get things right. He apologised for his carelessness over the 6 penalty points, and he knew that he had to notify the Council of points which he had done the majority of the time.

In response to a question from Councillor E Allman, the applicant advised the committee that he licence was currently clean, that he was hopeful that he had learnt from his mistakes and he had also learnt a lot more since he last held a taxi licence.

In response to questions from Councillor J Clarke, the applicant advised that there had been no further convictions and that he was not on any medication.

The Legal Advisor went through the list of convictions and highlighted that he had failed to notify the Council on a number of occasions of his convictions. She advised the applicant that the panel of members had to determine if he was a fit and proper person to hold a licence. She asked why there was not record of his conviction in 2011.

The applicant explained that he had rung the officers to advise, but highlighted that it was only more recently that everything was now done in writing.

In relation to questions from members and the Legal Advisor, in relation to the money laundering conviction, the applicant advised that panel that a the money had been in his bank account the court gave him the most lenient sentence available to them even though the applicant had protested his innocence. He also reiterated that he had held a clean licence for the past three years and could only go forward, which he hoped the panel would give him the chance to do.

In response to a question from Councillor J Clarke he advised that in the past he had worked in Castle Donington and that should he be granted the licence he hoped to set up a small firm in the area.

In response to a question from Councillor M Hay, in relation to being caught stopping in a no stopping zone, the applicant advised that the passengers had demanded that he stopped where they requested and that it was just his luck to get caught at all drivers had done it. He stated that was a big lesson to learn and that he would not do it again.

There were no closing statements.

At 16.00 pm, the Sub Committee adjourned to consider its decision. The meeting reconvened at 16.37pm.

RESOLVED THAT:

The application for a Dual Hire Driver's Licence be refused.

In reaching this decision, the Sub-Committee took into consideration the following factors:

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- (i) The report of the licensing enforcement officer and associated appendices;
- (ii) The applicant's submissions including demeanour and conduct at the hearing;
- (iii) The Local Government (Miscellaneous Provisions) Act 1976;
- (iv) The Human Rights Act 1998
- (v) The Council's Hackney Carriage and Private Hire Policy
- (vi) The test of fitness and propriety set out in the case of *McCool v Rushcliffe BC* and the Council's own 'Fit and Proper Person Policy'
- (vii) The applicant's demeanour, appearance and behaviour when spoken to by officers and when you appeared before this sub-committee
- (viii) The Council's 'Code of Good Conduct' Policy contained within the committee report.

On balance, having carefully considered all the submissions made at the hearing, the relevant legislation, case law and policies, the Sub-Committee felt:

- a) strongly about their responsibility as Licensing Authority to ensure the safety of the public and consequently this was a paramount consideration;
- b) that the public rely on the Licensing Authority to ensure that taxi drivers are fit and proper persons, trustworthy and act professionally by protecting the public at all times;
- c) that despite being given previous opportunities by the Licensing Authority, they did not seem to deter the applicant from committing offences;
- d) that the applicant was not a fit and proper person at this time within the scope of the legislation and;
- e) that their decision was reasonable and proportionate in the circumstances.

The meeting commenced at 3.30 pm

The Chairman closed the meeting at 4.42 pm

Chairman's signature