

MINUTES
OF A MEETING OF THE
TAXI LICENSING SUB COMMITTEE

held on 3 October 2022

Present:

Cllr J P Morley (Chairman)
Cllr M Ali (Vice-Chair)

Cllr A Caulfield Cllr J R Sanderson
Cllr G W Elson

Also Present: Councillor T Aziz

Absent: Councillors S Dorsett and T G Spenser

1. ELECTION OF CHAIRMAN

Councillor J Morley was elected Chairman of the Sub-Committee for the remainder of the Municipal Year.

2. APPOINTMENT OF VICE-CHAIRMAN

Councillor M Ali was appointed Vice-Chairman of the Sub-Committee for the remainder of the Municipal Year.

3. MINUTES

RESOLVED

That the minutes of the Sub-Committee held on 12 January 2022 be approved and signed as a true and correct record.

4. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

5. URGENT BUSINESS

There were no items of Urgent Business.

6. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during consideration of minute 7 in view of the nature of the proceedings that, if members of the press and public were present during this item, there would be disclosure to them of

exempt information as defined in paragraph 4 of Part 1 of Schedule 12A, to the Local Government Act 1972.

7. REPORT BY OFFICERS

The Sub-Committee received a report which requested that a decision be made as to whether Mr A was “fit and proper” to hold a Taxi or Private Hire Licence in line with The Local Government (Miscellaneous Provisions) Act 1976, following an accrual of over 12 penalty points under the Council’s Penalty Points Scheme. Mr A attended the meeting along with Mr James Nash, the legal representative, and an interpreter.

All parties present had a copy of the Licensing Committee’s agreed procedure to be followed at Taxi Licensing Sub-Committee hearings. The Chairman introduced the Sub-Committee to those present and explained the procedure and order of speaking that would be followed during the hearing.

The Licensing Authority’s representative, Matthew Cobb, stated that the Council was tasked with ascertaining whether drivers were ‘fit and proper’ to ensure the safety of the travelling public. The Sub-Committee was advised that the case history for Mr A included points accrued for leaving a taxi vehicle unattended on the rank; unauthorised signage; and the use of an incorrect address on Council documents. There were also a number of complaints received which were set out in the report. A total of 27 points had been accrued, in excess of the threshold of 12 points for the matter to be heard by the Sub-Committee.

The Chairman gave Mr A, his legal representative and Sub-Committee members the opportunity to ask questions of the Licensing Authority’s representative. Questions were asked and replies were given.

The Chairman gave Mr A and his legal representative the opportunity to address the Sub-Committee. Mr Nash set out the case for Mr A and highlighted that a number of the incidents had taken place several years ago and that there was no dispute that mistakes had been made. A letter sent to the members of the Licensing Committee by Mr A in July 2022 was circulated which asked for the allocation of penalty points to be reconsidered. Mr Nash asked for account to be given to the number of points allocated by the use of the incorrect address alongside the length of time Mr A had been operating as a taxi driver in the Borough, and urged the Sub-Committee to give Mr A a final warning as opposed to revoking the licence.

Questions were asked of Mr A and his legal representative and replies were given, including a brief commentary on the cases highlighted in the report.

The Chairman gave those parties present the opportunity to make closing statements.

Mr Cobb asked the Sub-Committee to consider whether Mr A was a fit and proper person to hold a licence, taking into account the evidence put forward and the requirement to protect the travelling public.

Mr Nash stated that this was the first time Mr A had appeared before the Sub-Committee and asked them to make a decision proportionate to the case and not revoke the licence.

The Chairman adjourned the hearing for deliberation at 8.35pm, later requesting that the Council's Solicitor, Amanda Francis, join them. The Sub-Committee reconvened at 9.15pm.

The Chairman reported that the Sub-Committee had taken account the written representations before it, the oral statements made at the hearing, the Council's Penalty Points System and the Taxi and Private Hire Handbook. The decision of the Sub-Committee was to suspend the licence for a minimum period of two months or until such time as the Licensing Authority was satisfied that all licensing documents had been updated. In the event that the address details were not updated, the suspension would continue until resolved. The Chairman stated that the Sub-Committee had taken into account the explanations provided, but still held concerns and had considered the full range of options available, and added that the decision was made in part to not jeopardise work over the Christmas period.

RESOLVED

That the Hackney Carriage Licence held by Mr A be suspended for a period of two months as set out above.

The meeting commenced at 7.00 pm
and ended at 9.20 pm

Chairman: _____

Date: _____