

Minutes of a Meeting of the General Licensing Committee held in the Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH on Monday, 13th November, 2023 at 2.00 pm.

PRESENT

Councillor Sandra Campbell-Wardman (Chairman)

Councillors Richard Avison, Graham Cullen, Stephen Evans, Darren Hobson, George Horton, Andrew Leonard and Terry Taylor.

Councillors Sid Dennis and Dick Edginton were in attendance as Substitutes.

OFFICERS IN ATTENDANCE:

Adrian Twiddy	- Principal Licensing Officer
Kim Robertson	- Legal Advisor
Lynda Eastwood	- Democratic Services Officer
Laura Allen	- Democratic Services Officer

19. APOLOGIES FOR ABSENCE:

It was noted that, in accordance with Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990, notice had been given that Councillor Dick Edginton had been appointed to the Committee in place of Councillor Carl Macey and Councillor Sid Dennis had been appointed to the Committee in place of Councillor Neil Jones for this Meeting only.

20. DISCLOSURE OF INTERESTS (IF ANY):

At this point in the meeting, Members were invited to declare any relevant interests. None were received.

21. EXCLUSION OF PUBLIC AND PRESS:

It was proposed and seconded that the public and press be excluded from the meeting.

RESOLVED

That under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items on the grounds that, if they were present, there could be disclosed exempt information as defined at paragraphs 1, 2 and 7 of Part 1 of the Schedule 12A of the Act (as Amended).

22. MINUTES:

The Open and Exempt Minutes of the General Licensing Committee Meeting held on 18th September 2023 were agreed as a correct record.

23. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER - RAPID RESPONSE PROCEDURE:

An exempt report was presented regarding a review of a Hackney Carriage and Private Hire Vehicle Driver Licence. The report and attached Appendix A were considered in Exempt Session.

This Authority has adopted a rapid response procedure which enables the urgent review of hackney carriage / private hire driver licences where information is received of a serious nature that may affect public safety. The procedure requires that a summary of each decision, made under the rapid response procedure, should be reported to the next available meeting of the Council's General Licensing Committee. This Report provided that summary of a recent decision taken under the procedure.

The licences of the driver subject of this Report had been suspended under the delegated powers contained within the rapid response procedure.

Members were referred to the report and Confidential Appendix A, pages 9 to 16 of the Agenda refer.

Following which, it was

RESOLVED:

That the summary of a recent decision taken under the Rapid Response Procedure set out at Confidential Appendix A of the report be noted.

24. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES:

An exempt report was presented regarding a review of a Hackney Carriage and Private Hire Vehicle Driver Licence.

In line with the requirements of Paragraph 3.14 of the Department for Transport (DfT) Minimum Licensing Standards the Committee was asked to undertake a review of the hackney carriage and private hire vehicle driver licences held by the driver subject of this report.

Paragraph 3.14 indicated that any changes in licensing requirements (such as the Council's Relevance of Convictions Guidelines) should be followed by a review of the licences already issued.

Under this Authority's updated Relevance of Convictions Guidelines the person concerned would be considered unsuitable for licensing (if he applied as a new driver now). However, Section 3.15 of the DfT standards then goes onto to say:

Where a more subjective change has been introduced, for example an amended policy on previous convictions, a Licensing Authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, Licensing Authorities should consider doing so. Licensing Authorities should record the reasons for any deviation from the policies in place.

Members were referred to the report and Appendices A and B, pages 17 to 30 of the Agenda refer.

Following which, it was

RESOLVED:

That the recommendation in the report be approved.

25. APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE:

An exempt report was presented regarding an application for a private hire vehicle driver licence.

The Committee was asked to consider the application made by the person subject of this report for a private hire vehicle driver licence.

The purpose of the Council's licensing policy is to give guidance as to whether a person is suitable for licensing as a hackney carriage or private hire driver. If an individual does not meet the Council's licensing requirements it is for the applicant to make an appropriate case to the Licensing Committee as to why they should be licensed. In other words, why, in the exceptional circumstances of the case, should the Council depart from its stated policy?

Members were referred to the report and Appendices A and B, pages 31 to 44 of the Agenda refer.

Following which, it was

RESOLVED:

That the licence application be refused.

26. DATE OF NEXT MEETING:

The date of the next meeting was confirmed as 15 January 2024.

The Meeting closed at 3.10 pm.