

MINUTES OF: LICENSING COMMITTEE

Date of Meeting: 21st February 2013

**Present: Councillor Gill (in the Chair)
Councillors: Ashworth, Cheetham, Crawforth, De Souza,
Eaton, Farrington, Hughes, Proctor and Shipley**

**In Attendance: Tracy Brzozowski, Licensing and Enforcement Manager
Brian Taylor, Licensing and Enforcement Officer
Jenni Cook, Committee Officer
Lorna McShane, Legal and Democratic Services Manager**

Also Present: 22 members of the public; no members of the press

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

Apologies had been received on behalf of Councillor Neal and from Councillor Wilkinson (Councillor Proctor substituting). Councillor De Souza stated that she would have to leave the meeting at 7.15pm due to a Whitworth Town Council meeting.

2. MINUTES

Resolved:

That the minutes of the meeting of the Licensing Committee held on the 4th December 2012 be approved and signed by the Chair as a correct record.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made.

4. URGENT ITEM OF BUSINESS

There were no urgent items of business.

Due to the number of items on the agenda the Chair asked the Licensing and Enforcement Manager to outline to all persons present the relevant information which applied to all confidential applications.

5. EXCLUSION OF PUBLIC AND PRESS

Resolved:

That the public and press be excluded from the following items of business under Section 100(A)(4) of the Local Government Act 1972 since they involve the disclosure of exempt information under Paragraph 1 of Schedule 12A of the Act.

6. REPORT TO DETERMINE AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR MAB

The Chair welcomed the Driver and the Driver's Representative to the meeting.

The Licensing and Enforcement Manager presented the report detailing the circumstances which had brought the report before the committee.

The Driver and the Driver's Representative spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Manager, the Driver and the Driver's Representative for clarification purposes only.

The Driver, the Driver's Representative and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the Licence be revoked under S61 of the Local Government (Miscellaneous Provisions) Act 1976. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The report had been considered in accordance with the Council's approved procedure and policy and the Committee took into account all the relevant information put before them.

7. REPORT TO DETERMINE AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR ZA

The Chair welcomed the Driver and the Driver's Solicitor to the meeting.

The Licensing and Enforcement Officer presented the report detailing the circumstances which had brought the report before the Committee.

The Driver and the Driver's Solicitor spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Manager, the Driver and the Driver's Solicitor for clarification purposes only.

The Driver, the Driver's Solicitor and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the Licence not be revoked. The Committee considered that the Driver was a fit and proper person to hold a Hackney Carriage Driver's Licence.

The Driver was reminded by the Committee to ensure that in future, the applicant ensured that passengers' names were checked prior to them entering the vehicle.

Reason for Decision

The report had been considered in accordance with the Council's approved procedure and policy and the Committee took into account all the relevant information put before them.

8. REPORT TO CONSIDER THE APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR FA

The Chair welcomed the Applicant and the Applicant's Representative to the meeting.

The Licensing and Enforcement Manager presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

The Applicant and the Applicant's Representative spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Manager, the Applicant and the Applicant's Representative for clarification purposes only.

The Applicant, the Applicant's Representative and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the Applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure and policy and the Committee took into account all the relevant information put before them.

There was a short comfort break before the meeting continued.

9. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR MA

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Officer presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

The Applicant spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Officer and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

10. REPORT TO CONSIDER THE APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR IA

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Officer presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

The Applicant spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Officer and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

11. REPORT TO CONSIDER THE APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR AH

Note: Councillor De Souza left the meeting during consideration of this application.

The Chair welcomed the Applicant Representative to the meeting.

The Licensing and Enforcement Manager presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

The Applicant spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Manager and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

12. REPORT TO CONSIDER THE APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR ZI

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Officer presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

The Applicant spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Officer and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

13. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR SI

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Manager presented the report detailing the proposed suspension of a Hackney Carriage Drivers Licence.

The Applicant spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Manager and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

14. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR TBK

Note: the applicant was asked to his remove young children from the room under the care of their elder sibling.

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Officer presented the report detailing the proposed suspension of a Hackney Carriage Drivers Licence.

The Applicant spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Officer and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

15. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR MM

The Chair welcomed the Driver and the Driver's Representative to the meeting.

The Licensing and Enforcement Manager presented the report detailing circumstances which had brought the report before the Committee.

The Driver and the Driver's Representative spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Manager, the Driver and the Driver's Representative for clarification purposes only.

The Driver, Driver's Representative and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the Licence be revoked. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

Note: as the meeting had been going for 3 hours, at this point, members voted to continue with the meeting.

16. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR WR

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Manager presented the report detailing an application for a Hackney Carriage Drivers Licence.

The Applicant spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Manager and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

17. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR AS

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Officer presented the report detailing an application for a Hackney Carriage Drivers Licence.

The Applicant spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Officer and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

18. REPORT TO DETERMINE AN APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE – MR AHS

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Officer presented the report detailing an application for a Hackney Carriage Drivers Licence.

The Applicant and the Applicant's Representative spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Officer and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

Note: Councillor Eaton left the meeting.

19. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR MW

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Manager presented the report detailing an application for a Hackney Carriage Drivers Licence.

The Applicant spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Officer and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

Note: The Chair asked the Licensing and Enforcement Manager to read out to all persons now present, who had not been present at the start of the meeting, the relevant information which applied to all confidential applications.

20. REPORT TO CONSIDER THE APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR TB

The Chair welcomed the Applicant and the Applicant's Representatives to the meeting.

The Licensing and Enforcement Officer presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

The Applicant and the Applicant's Representatives spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Manager and the Applicant and their Representatives for clarification purposes only.

The Applicant, the Applicant's Representatives and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

21. REPORT TO CONSIDER THE APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR AM

The Chair welcomed the Applicant and the Applicant's Representatives to the meeting.

The Licensing and Enforcement Officer presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

The Applicant and the Applicant's Representatives spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Manager and the Applicant and their Representatives for clarification purposes only.

The Applicant, the Applicant's Representatives and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

22. DETERMINATION OF AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE – MR SFS

Resolved:

That the committee do not hear this in the driver's absence and that this item be deferred to the next meeting of the Licensing Committee.

The meeting commenced at 5pm and closed at 10.15pm

CHAIR

DATE
