

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 2nd December 2014

Present: Councillors Ashworth, Gill (Chair) and Shipley

**In Attendance: Clare Birtwistle, Legal Services Manager
Tracy Brzozowski, Licensing and Enforcement Manager
Michelle Hargreaves, Committee and Member Services
Officer
4 applicants
2 members of the public/representatives**

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

There were no apologies for absence – all Members were present.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. URGENT ITEMS

There were no urgent items of business.

4. 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.

5. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR MA (Item C1)

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

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

The Applicant's representative spoke in favour of the case.

The Sub-Committee Members asked questions of the Applicant's representative for clarification purposes only.

The Applicant, the Applicant's representative and the Licensing Manager left the room to enable the Committee to determine the application.

Resolved:

1. That the licence be refused. The Committee do not consider the Applicant to be a fit and proper person to hold a hackney carriage drivers licence.
2. The Applicant was notified of their right of appeal to the magistrate's court which must be exercised within 21 days of service of the decision letter upon them.
3. The Applicant was served with the above mentioned 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 Sub-Committee took into account all the relevant information put before them.

The Panel agreed to move item C2 to the end of the agenda as the applicant had not arrived for the hearing.

6. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR SB (Item C3)

The Chair welcomed the Driver to the meeting.

The Licensing Manager presented the report detailing the circumstances which had brought the Driver before the Sub-Committee.

The Driver spoke in favour of the case.

The Sub-Committee Members asked questions of the Driver and the Licensing Manager for clarification purposes only.

The Driver and the Licensing Manager left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the Licensee be required to take and pass the DSA Test and provide evidence of this to the Licensing Unit within a period of 3 months (unless the Licensee provided evidence that an appointment could not be obtained). If the Licensee failed to provide such evidence within three months, they would be called back to the Council's Licensing Committee.
2. The Applicant was notified of their right of appeal to the magistrate's court which must be exercised within 21 days of service of the decision letter upon them.
3. The Applicant was served with the above mentioned decision letter

Reason for Decision

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

7. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR MAM (Item C4)

The Chair welcomed the Applicant to the meeting.

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

The Applicant spoke in favour of the case.

The Sub-Committee Members asked questions of the Applicant for clarification purposes only.

The Applicant Licensing Manager left the room to enable the Sub-Committee to determine the application.

Resolved:

1. The licence was refused. The Sub-Committee did not consider the Applicant to be a fit and proper person to hold a hackney carriage drivers licence.
2. The Applicant was notified of their right of appeal to the magistrate's court which must be exercised within 21 days of service of the decision letter upon them.
3. The Applicant was served with the above mentioned 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.

8. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR NHS (Item C5)

The Chair welcomed the Applicant to the meeting.

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

The Applicant spoke in favour of the case.

The Sub-Committee Members asked questions of the Applicant for clarification purposes only.

The Applicant and the Licensing Manager left the room to enable the Sub-Committee to determine the application.

Resolved:

1. The licence was refused. The Sub-Committee did not consider the Applicant to be a fit and proper person to hold a hackney carriage drivers licence.
2. The Applicant was notified of their right of appeal to the magistrate's court which must be exercised within 21 days of service of the decision letter upon them.
3. The Applicant was served with the above mentioned 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 Sub-Committee took into account all the relevant information put before them.

The Licensing and Enforcement Manager informed the Sub-Committee that a letter had been sent to the following applicant inviting them to attend the hearing, it was confirmed that the letter had been signed for on delivery.

In relation to item C2, it was noted that the Licensing and Enforcement Manager had left messages for the Applicant both on the day of Committee and the day before with a view to confirming if they would be attending the Sub Committee, a phone call was received during the committee meeting from the Applicant stating that they would set off but would be an hour away. The Licensing and Enforcement Manager advised that it would be for the Sub Committee to determine whether to hear in the application in the applicant's absence or wait for applicant to arrive.

The Sub-Committee agreed to hear the item in absence of the applicant as they felt sufficient notification had been provided to the applicant of the time and date of the meeting.

9. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR AA (Item C2)

The Licensing Manager presented the report which detailed the reasons which had brought the Driver before the Sub-Committee.

The Sub-Committee Members asked questions of the Licensing Manager for clarification purposes only.

The Licensing Manager left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the Licensee be required to take and pass the DSA Test and provide evidence of this to the Licensing Unit within a period of 3 months (unless the Licensee provided evidence that an appointment could not be obtained). If the Licensee failed to provide such evidence within three months, they would be called back to the Council's Licensing Committee.
2. The Applicant was notified of their right of appeal to the magistrate's court which must be exercised within 21 days of service of the decision letter upon them.
3. The Applicant was served with the above mentioned 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 Sub-Committee took into account all the relevant information put before them.

The meeting commenced at 10.05am and closed at 11.30am.

CHAIRMAN
