

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 23rd July 2015

Present: Councillors Lamb (Chair) Farrington and Haworth

**In Attendance: Abigail Wrench, Trainee Solicitor
Tracy Brzozowski, Licensing & Enforcement Manager
Carolyn Sharples, Committee and Member Services Manager
Mr Martino Deplacido, Leeds City Council
8 applicants/representatives/family members**

BUSINESS MATTERS

1. APPOINTMENT OF CHAIR

Resolved:

That Councillor Lamb be appointed the Chair of the meeting.

2. APOLOGIES FOR ABSENCE

Apologies for absence had been submitted from the Licensing Committee Chair, Councillor Crawforth. Councillor Lamb was substituting and acting as Chair for this meeting.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. URGENT ITEMS

There were no urgent items of business.

In the interests of expediency and 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 APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR MK (Item C1)

The Licensing and Enforcement Manager noted that Licensing Officers had contacted the Applicant in June to advise of the committee date. The Applicant had asked for the hearing to be moved as he was thinking of going on holiday. The Applicant then spoke to Licensing

Officers on 3rd July to confirm he would be attending the meeting and to confirm the start time. On Tuesday 21st July the Applicant contacted the Licensing Team again to inform that his representative was not available to attend and to request the hearing be moved to September. The Applicant was informed that it would be for the committee to decide whether to hear the application or whether to defer it to the September committee.

The Applicant was not in attendance at the meeting, however, a witness from Leeds City Council attended to present evidence to the committee.

The Sub-Committee agreed to hear this item in the Applicant's absence.

The Chair welcomed Mr Martino Deplacedo from Leeds City Council to the meeting.

The Licensing and Enforcement Manager presented the report detailing proposed application for a hackney carriage drivers licence.

Mr Deplacedo addressed the Sub-Committee.

Mr Deplacedo and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the licence is 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 would be 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.

Reason for Decision

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

7. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE/APPLICATION FOR RENEWAL – MR MA (Item C2)

The Chair welcomed the Driver to the meeting.

The Licensing and Enforcement Manager presented the report detailing the current licence and proposed application for a renewal of a hackney carriage drivers licence.

The Driver presented his case to the Sub-Committee.

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

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

Resolved:

1. That no further action be taken until the outcome of the hearing on 15th September 2015. The Committee considered that the applicant is a fit and proper person to hold a

Hackney Carriage Driver's Licence and that the licence would be renewed pending the outcome of the hearing at which stage he may be brought back before the committee.

Reason for Decision

The report 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 KA (Item C4)

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Manager presented the report detailing proposed application for a hackney carriage drivers licence.

The Applicant presented his case to the Sub-Committee.

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

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

Resolved:

1. That the licence is 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 their decision letter before they left the room.

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.

9. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – Mr JH (Item C5)

The Chair welcomed the Driver to the meeting.

The Driver informed that his representative was unable to attend the meeting and requested that the hearing be adjourned to the next meeting. The Licensing and Enforcement Manager informed that the Driver had been operating illegally in another authority area and had not notified the Council of the offense and that it would be for Sub-Committee Members to determine whether to hear the application or whether to defer it to the September committee.

The Sub-Committee agreed to continue and hear the item.

The Licensing and Enforcement Manager presented the report detailing the current hackney carriage drivers licence.

The Driver presented his case to the Sub-Committee.

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

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

Resolved:

1. That the licence is revoked under s.61 of the Local Government (Miscellaneous Provisions) Act 1976. The Committee considered that the applicant is no longer a fit and proper person to hold a Hackney Carriage Driver's 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 Driver was served with their decision letter before they left the room.

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.

10. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – Mr MAM (Item C7)

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Manager presented the report detailing proposed application for a hackney carriage drivers licence.

The Applicant presented his case to the Sub-Committee.

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

The Licensing and Enforcement Manager clarified the relevant conviction categories for Sub-Committee Members.

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

Resolved:

1. That the licence is granted. The Sub-Committee considered the Applicant to be a fit and proper person to hold a hackney carriage drivers licence.

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.

11. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR MS (Item C8)

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Manager presented the report detailing proposed application for a hackney carriage drivers licence and drew Members' attention to the other relevant information disclosed at the Chief Police Officer's discretion.

The Applicant presented his case to the Sub-Committee.

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

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

Resolved:

1. That the Application is 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 their decision letter before they left the room.

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.

12. REPORT TO DETERMINE AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE/APPLICATION FOR RENEWAL – MR FAM (Item C6)

The Chair welcomed the Driver to the meeting.

The Licensing and Enforcement Manager presented the report detailing the current licence and proposed application for a renewal of a hackney carriage drivers licence.

The Driver presented his case to the Sub-Committee.

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

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

Resolved:

1. That no further action be taken. The Committee considered that the Driver is a fit and proper person to hold a Hackney Carriage Driver's Licence and that the licence would be renewed.

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.

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

The Licensing and Enforcement Manager noted that a letter had been sent to the Driver notifying him of the meeting on 14th July 2015. A note had been left at his current address informing that the letter needed to be signed for at the post office. As at 23rd July the letter remained uncollected, therefore it was for the committee to determine whether to continue with the hearing in the Driver's absence.

The Sub-Committee agreed to hear this item in the Driver's absence.

The Licensing and Enforcement Manager presented the report detailing the current hackney carriage drivers licence.

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

Resolved:

1. That the licence be revoked under s.61 of the Local Government (Miscellaneous Provisions) Act 1976. The Committee considered that the applicant is no longer a fit and proper person to hold a Hackney Carriage Driver's Licence.
2. The applicant would be 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.

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.

The meeting commenced at 10.20am and closed at 1.50pm

CHAIRMAN _____