

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 7th October 2015

Present: Councillors De Souza (Chair), Haworth and Lythgoe

**In Attendance: Tracy Brzozowski, Licensing & Enforcement Manager
Abigail Wrench, Trainee Solicitor
Jenni Cook, Committee Officer
6 applicants/representatives/family members
1 applicant arrived late**

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

There were no apologies for absence; all Sub-Committee Members were present.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. URGENT ITEMS

There was one urgent item of business which had been added to the agenda in the interests of expediency. This would be taken as Item C8.

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.

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 EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR TA (Item C1)

The Chair welcomed the Driver to the meeting.

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

The Driver presented his case to the Sub-Committee.

The Sub-Committee Members asked questions of the Driver and the Licensing and Enforcement Manager 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 be suspended under Section S61 of the Local Government (Miscellaneous Provisions) Act 1976. The Committee did not consider the driver to be a fit and proper person to hold a hackney carriage drivers licence.
2. The licence would be suspended for one month from 00:01 hours from 28th October 2015 – with the suspension taking effect at the end of the appeal period of 21 days beginning on the day on which the driver received his decision notice or on conclusion of the appeal, if lodged.
3. The Driver was informed of his right of appeal before the Magistrate's Court which must be exercised within 21 days of service of the decision letter upon them.
4. The Driver was served with the decision letter before he left the Council's premises.

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.

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

The Chair welcomed the Driver to the meeting.

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

The Driver presented his case to the Sub-Committee.

The Sub-Committee Members asked questions of the Driver and the Licensing and Enforcement Manager 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 Driver be required to take and pass the DSA test and provide evidence of this to the Licensing and Enforcement Unit within a period of 3 months (unless the licensee provides evidence that an appointment cannot be obtained). If the Driver fails to provide such evidence within 3 months they shall be called back to the Council's Licensing Committee.
2. The Driver was informed of his right of appeal before the Magistrate's Court which must be exercised within 21 days of service of the decision letter upon them.
3. The driver would be notified of the decision in writing.

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 SHK (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 asked questions of the Applicant and the Licensing and Enforcement Manager 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 would be notified of the decision in writing.

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.

8. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR IHK (Item C5)

The Chair welcomed the Driver to the meeting.

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

The Driver presented his case to the Sub-Committee.

The Sub-Committee Members asked questions of the Driver and the Licensing and Enforcement Manager 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 action be taken. The Driver was considered 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.

9. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – Mr AM (Item C6)

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 and the Licensing and Enforcement Manager 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 would be notified of the decision in writing.

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 MAQ (Item C7)

The Chair welcomed the Applicant and his wife 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 and the Licensing and Enforcement Manager for clarification purposes only.

The Applicant, his wife 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 would be notified of the decision in writing.

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 IN (Item C8 – Urgent Item)

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 and the Licensing and Enforcement Manager 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 would be notified of the decision in writing.

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 – MR AD (Item C2)

The Licensing and Enforcement Manager informed Members that the Licensing Unit had made numerous attempts to contact the Driver regarding this matter, including visits to his last known address. The vehicle was currently suspended and the Driver's badge had been obtained. The Licensing and Enforcement Manager noted that the Driver had failed to obtain an appointment to sit the DSA test and no evidence had been received that he had attempted to obtain an appointment. It was noted that the Driver's family claimed he was no longer living in the area and that the vehicle had been written off. The Licensing and Enforcement Manager noted that there was no evidence that the vehicle had been written off.

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

The Licensing and Enforcement Manager outlined the report and then left the

room to enable the Sub-Committee to determine the application.

Resolved:

1. That the licence is revoked under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976. The Sub-Committee did not consider the Driver to be a fit and proper person to hold a hackney carriage driver's licence.
2. The Driver would be informed of his right of appeal before the Magistrate's Court which must be exercised within 21 days of service of the decision letter upon them.
3. The Driver would be notified of the decision in writing at the address currently held for him.

The meeting commenced at 10.10am and closed at 12.40pm

CHAIRMAN _____