

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 1st December 2015

Present: Councillors De Souza (in the Chair), Cheetham and M. Smith

**In Attendance: Tracy Brzozowski, Licensing and Enforcement Manager
Nigel Yates, Licensing and Enforcement Officer
Abigail Wrench, Trainee Solicitor
Jenni Cook, Committee Officer
10 applicants/representatives/family members**

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

There were no apologies for absence from the Sub-Committee; all members were present.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. 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.

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 AURB (Item C2)

The Licensing and Enforcement Manager informed the Sub-Committee that the Applicant had emailed her on Saturday 28th November 2015 to inform her that he was unable to attend the Sub-Committee due to a family bereavement.

Resolved:

That the Application be deferred to a future meeting of the Licensing Sub-Committee.

Reason for Decision

In the interests of fairness.

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

The Chair welcomed the Applicant to the Committee.

The Licensing and Enforcement Manager presented the report detailing the 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 Driver and the Licensing and Enforcement Manager for clarification purposes only.

The Applicant and the Licensing Officers 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 his 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 decision letter before he 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, Byelaws relating to Hackney Carriages, and the Sub-Committee took into account all the relevant information put before them.

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

The Licensing and Enforcement Manager issued a formal caution to the driver. The Driver confirmed his understanding of the caution.

The Chair welcomed the Driver to the meeting.

The Licensing and Enforcement Manager presented the report detailing the circumstances which had brought the Driver before the 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 Officers left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the licence is revoked with immediate effect under S61 of the Local Government (Miscellaneous Provisions) Act 1976. Mr SJ was no longer considered a fit and proper person to hold a hackney carriage drivers licence.
2. Mr SJ was advised of his right of appeal before the Magistrates Court which must be exercised with 21 day of service of the decision letter upon him.
3. Mr SJ was served with the decision letter before he 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.

8. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – Mr KJ (Item C4)

The Chair welcomed the Driver and his friend to the meeting who provided translation where required.

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

The Driver and his friend presented his case to the Sub-Committee. The Driver's friend was advised several times that the Sub-Committee needed to hear the Driver speak.

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

The Driver, his friend and the Licensing Officers left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the licence is revoked under S61 of the Local Government (Miscellaneous Provisions) Act 1976. Mr KJ was no longer considered a fit and proper person to hold a hackney carriage drivers licence.
2. Mr KJ was advised of his right of appeal before the Magistrates Court which must be exercised with 21 day of service of the decision letter upon him.
3. Mr KJ was served with the decision letter before he 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 APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR SK (Item C5)

The Chair welcomed the Applicant and his brother-in-law to the meeting, who provided translation where required.

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

The Applicant and his brother-in-law 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 brother-in-law and the Licensing Officers left the room to enable the Sub-Committee to determine the application.

Resolved:

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.

The Applicant was reminded of the need to contact the Licensing Unit immediately for any motoring or other convictions.

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 JK (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 driver's 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 Officers 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 his 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 decision letter before he 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.

11. REPORT TO DETERMINE AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR MTN (Item C7)

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Manager presented the report detailing the proposed application for a hackney carriage driver's 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 Officers left the room to enable the Sub-Committee to determine the application.

Resolved:

The application was 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.

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

The Licensing and Enforcement Manager issued a formal caution to the Applicant. The Applicant confirmed his understanding of the caution.

The Chair welcomed the Applicant to the meeting.

The Sub-Committee asked the Applicant and the Licensing Officers to leave the room in order that they could determine whether to hear the item.

Resolved:

The decision was deferred to the Licensing Sub-Committee on 9th February 2015.

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.

Reason for Decision

In the interests of fairness.

The meeting commenced at 10am and closed at 13.40pm

CHAIRMAN _____