

**MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)**

**Date of Meeting: 18<sup>th</sup> November 2015**

**Present: Councillors De Souza (in the Chair), Farrington and Haworth**

**In Attendance: Susan Chadwick, Licensing and Compliance Officer  
Abigail Wrench, Trainee Solicitor  
Jenni Cook, Committee Officer  
PC K Scott, Lancashire Constabulary  
13 applicants/representatives/family members/witnesses**

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## **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 public safety. The Sub-Committee agreed that this item would be heard first.

### **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 PB (Item C9)**

The Chair welcomed the Driver, his representative and PC Scott to the meeting.

The Licensing and Compliance Officer formally cautioned the Driver. The Driver confirmed his understanding of the caution.

The Licensing and Compliance Officer presented the report which detailed the Driver's arrest. The Driver had been bailed to a later date and no charges had yet been brought.

PC Scott addressed the Sub-Committee.

The Driver and his representative presented his case to the Sub-Committee.

The Sub-Committee Members asked questions of the Driver, PC Scott and the Licensing and Compliance Officer for clarification purposes only.

The Driver, his representative, PC Scott and the Licensing and Compliance Officer left the room to enable the Sub-Committee to determine the application.

**Resolved:**

That no action would 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, Byelaws relating to Hackney Carriages 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 MS (Item C1)**

The Chair welcomed the Driver to the meeting. The Chair confirmed that she had known the Driver through her work as a teaching assistant; however she had not had any contact with the Driver for at least 15 years. The Driver confirmed that he was happy for Councillor De Souza to hear the report.

The Licensing and Compliance Officer formally cautioned the Driver. The Driver confirmed his understanding of the caution.

The Licensing and Compliance Officer presented the report which detailed the Driver's arrest. The Driver had been bailed to a later date and no charges had yet been brought.

The Driver presented his case to the Sub-Committee.

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

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

**Resolved:**

1. That the Licence was revoked with immediate effect under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976. The Sub-Committee did not consider Mr MS to be a fit and proper person to hold a hackney carriage drivers licence.
2. Mr MS was notified of his right of appeal before the Magistrates court which must be exercised within 21 days of service of the decision letter upon him.
3. Mr MS 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 APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR GMA (Item C2)**

The Chair welcomed the Applicant and his girlfriend to the meeting.

The Licensing and Compliance Officer 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 Applicant and the Licensing and Compliance Officer for clarification purposes only.

The Applicant, his girlfriend and the Licensing and Compliance Officer left the room to enable the Sub-Committee to determine the application.

**Resolved:**

That the licence be granted. The Applicant was considered a fit and proper person to hold a hackney carriage drivers licence.

The Applicant was advised to read the Council's Licensing policies in full and note the timescales for notification, should he receive any further DVLA points/convictions or other criminal 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.

**8. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – Mr MTB (Item C3)**

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

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

The Applicant and his friend presented his case to the Sub-Committee.

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

The Applicant, his friend and the Licensing and Compliance Officer 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.

**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 AAC (Item C4)**

The Chair welcomed the Applicant and his legal representative to the meeting.

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

The Applicant and his representative presented his case to the Sub-Committee.

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

The Applicant, his legal representative and the Licensing and Compliance Officer 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.

**10. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR ND (Item C5)**

The Chair welcomed the Applicant to the meeting.

The Licensing and Compliance Officer 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 Compliance Officer for clarification purposes only.

The Applicant and the Licensing and Compliance Officer 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.

**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 RK (Item C6)**

The Chair welcomed the Applicant to the meeting.

The Licensing and Compliance Officer 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 Compliance Officer for clarification purposes only.

The Applicant and the Licensing and Compliance Officer 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.

**12. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR SM (Item C7)**

The Chair welcomed the Applicant and his sister to the meeting.

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

The Applicant and his sister presented his case to the Sub-Committee.

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

The Applicant, his sister and the Licensing and Compliance Officer left the room to enable the Sub-Committee to determine the application.

**Resolved:**

That the licence 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.

**13. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR KAPM (Item C8)**

The Licensing and Compliance Officer stated that the Applicant had contacted the Licensing Unit and advised that he was unable to attend due to his wife's hospital appointment.

Legal advice was provided.

**Resolved:**

That the report is deferred to a future meeting of the Licensing Sub-Committee.

**Reason for Decision**

In the interests of fairness.

**The meeting commenced at 10.10am and closed at 13.55pm**

CHAIRMAN \_\_\_\_\_