

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 9th February 2016

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

**In Attendance: Tracy Brzozowski, Licensing and Enforcement Manager
Abigail Wrench, Trainee Solicitor
Jenni Cook, Committee Officer
14 applicants/friends/representatives**

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 was one urgent item of business which had been added to the agenda. This would be taken as Item C9.

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 SA (Item C1)

The Chair welcomed the Applicant to the Sub-Committee.

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 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.
2. The Applicant was informed that the Licensing Unit would be in touch once the application had been processed.

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 APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR AG (Item C2)

The Chair welcomed the Applicant to the Sub-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 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 granted. The Sub-Committee considered the Applicant to be a fit and proper person to hold a hackney carriage drivers licence.
2. The Applicant was informed that the Licensing Unit would be in touch once the application had been processed.

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 AH (Item C3)

The Chair welcomed the Driver and his son to the Sub-Committee.

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

It was noted that the licence had expired since the report had been written and that the Sub-Committee were now required to decide if the licence was to be renewed.

The Driver and his son 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, his son 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 to be renewed under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976. The Sub-Committee did not consider Mr AH to be a fit and proper person to hold a hackney carriage drivers licence.
2. Mr AH 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 decision letter would be posted to Mr AH by first class post and recorded delivery.

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.

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

The Chair welcomed the Applicant and his friend, who would be assisting with interpretation, to the Sub-Committee.

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

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 Enforcement Manager for clarification purposes only.

The Applicant, his friend 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 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976. The Sub-Committee did not consider Mr SH to be a fit and proper person to hold a hackney carriage drivers licence.
2. Mr SH 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. Mr MH 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.

Note: A short comfort break took place at this point in the meeting.

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

The Chair welcomed the Applicant to the Sub-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 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 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.

10. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR ZIR (Item C6)

The Chair welcomed the Driver to the Sub-Committee.

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 and Enforcement Manager 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 Mr ZIR to be a fit and proper person to hold a hackney carriage drivers licence.
2. Mr ZIR 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. Mr ZIR 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 MT (Item C7)

The Chair welcomed the Applicant and his son to the Sub-Committee.

The Licensing and Enforcement Manager presented the report detailing the proposed application for a hackney carriage drivers licence and noted that this matter had been deferred from the Sub-Committee on 1st December 2015.

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 son 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 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.

12. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR MTu (Item C8)

The Chair welcomed the Driver and his wife to the Sub-Committee.

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

The Driver and his wife 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, 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 suspended for a period of 1 month.
2. The Driver 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 suspension would therefore take effect after the 21 day appeal period.
4. Should the Driver choose to appeal the decision, he could continue to operate as usual until the date of the appeal hearing and if the Court refuses the appeal, the suspension would take effect following the determination.
5. The Driver must surrender the badge to the Licensing Unit by midday on the first day of the suspension period.
6. The Driver's badge would be returned to him at the end of the suspension period.
7. The Driver 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.

13. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE AND AN EXISTING HACKNEY CARRIAGE VEHICLE – MR IA AND HCV3459 (Item C9)

The Chair welcomed the Driver and his solicitor to the Sub-Committee.

The Licensing and Enforcement Manager issued a formal caution to the Driver. The Driver did not understand the caution and the Driver's solicitor questioned the need for the caution. The Licensing and Enforcement Manager explained each part of the caution in detail and the Driver's and solicitor's understanding of this was confirmed.

The Licensing and Enforcement Manager presented the report detailing the circumstances which had brought the Driver before the Sub-Committee. In addition to determining the Driver's hackney carriage driver's licence, the Sub-Committee were required to determine hackney carriage vehicle licence HCV3159.

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

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

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

Resolved:

1. That the hackney carriage drivers licence is revoked with immediate effect under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976. The Sub-Committee did not consider Mr IA to be a fit and proper person to hold a hackney carriage drivers licence.
2. That the hackney carriage vehicle licence number HCV3159 is revoked under Section 60 of the Local Government (Miscellaneous Provisions) Act.
3. Mr IA 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 him.
4. The decision letter would be posted via first class post and recorded delivery to Mr IA.

The meeting commenced at 10am and closed at 3pm

CHAIRMAN _____