

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 3rd March 2016

Present: Councillors Crawforth (in the Chair), De Souza and Cheetham

**In Attendance: Tracy Brzozowski, Licensing and Enforcement Manager
Abigail Wrench, Trainee Solicitor
Michelle Hargreaves, Committee and Member Services
Officer
6 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 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.

The Chair agreed to reorder the agenda as outlined within the minutes below.

5. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR SMAJ (Item C1)

The Chair agreed to defer this Driver at the request of the Applicant's legal representative as he was unable to attend the committee meeting due to work commitments. This requested was considered by Members and agreed.

Resolved:

That this item would be deferred to a future Licensing Sub-Committee to enable the Applicant's representative to attend.

Reason for Decision

In the interests of fairness.

6. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR BH (Item C3)

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.

7. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR MI (Item C4)

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.

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

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 Mr BJ be required to take and pass the DVSA 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 Licensee fails to provide such evidence within three months, they shall be called back to the Council's Licensing Committee.
2. The Mr BJ 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 Mr BJ 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.

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

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:

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.

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

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:

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 Licensing and Enforcement Manager informed the Applicant that he would be required to submit evidence that he was fit for work by his GP prior to his badge being issued to him.

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 EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR SM (Item C7)

The Chair welcomed the Driver and the Driver's Representative 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's Representative presented the Drivers case to the Sub-Committee.

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

The Driver, the Driver's Representative and 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 consider that the applicant is no longer a fit and proper person to hold a Hackney Carriage Driver's Licence.
2. That Mr SM 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. That Mr SM 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 MBH (Item C2)

The Licensing Enforcement Manager stated that the Driver had given notification that he would not be attending the Sub-Committee and would be handing in his hackney carriage drivers licence. That notwithstanding, the Sub-Committee would still need to determine the matter, and it was agreed that the matter would be determined in the absence of the Driver.

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

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

Resolved:

1. That the Licence is revoked. The Sub-Committee did not consider Mr MBH to be a fit and proper person to hold a hackney carriage drivers licence.
2. The Mr MBH would be 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 MBH would be notified of the decision in writing which would be sent to him via recorded delivery and first class post.

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 10am and closed at 12.45pm

CHAIRMAN _____