

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 23rd March, 2016

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

**In Attendance: Susan Chadwick, Licensing and Compliance Officer
Nigel Yates, Licensing Enforcement Officer (Item C1)
Richard Bingham, Legal Services Officer
Michelle Hargreaves, Committee and Member Services
Officer
10 applicants/friends/representatives/witnesses**

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 Compliance Officer 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 a family emergency. This requested was considered by Members and agreed.

It was noted that as this application had now been deferred twice, the applicant was advised that the item would definitely be heard at the next committee on the 7th April, 2016.

Resolved:

That this item would be deferred to the Licensing Sub-Committee on the 7th April, 2016 to enable the Applicant's representative to attend.

Reason for Decision

In the interests of fairness.

6. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR AS (Item C2)

The Chair welcomed the Applicant to the Sub-Committee.

The Licensing and Compliance Officer 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 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 be revoked with immediate effect 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 AS 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 AS 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 KA (Item C3)

The Chair welcomed the Applicant to the Sub-Committee.

The Licensing and Compliance Officer 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 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.

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

The Chair welcomed the Driver to the Sub-Committee.

The Licensing and Compliance Officer 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 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 is renewed and no further action taken. 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, Byelaws relating to Hackney Carriages, and the Sub-Committee took into account all the relevant information put before them.

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

The Chair agreed to defer this Driver at the request of the Applicant's legal representative due to an amended scheduled future hearing date. It was noted that additional enquiries were also being undertaken by the Licensing and Enforcement Unit. This requested was considered by Members and agreed.

Resolved:

That this item would be deferred to a future Licensing Sub-Committee to enable the hearing date to take place and further enquiries to be made.

Reason for Decision

In the interests of fairness.

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

The Chair welcomed the Applicant to the Sub-Committee.

The Licensing and Compliance Officer 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 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 CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR IS (Item C7)

The Chair welcomed the Applicant to the Sub-Committee.

The Licensing and Compliance Officer 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 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 driver's 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 DETERMINE AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR SS (Item C8)

The Chair welcomed the Driver, the Drivers wife and the Driver's Representative to the Sub-Committee.

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

The Driver, the Drivers wife and the Driver's Representative and the Licensing and Compliance Officer 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 SS 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 SS 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.

The meeting commenced at 10.00am and closed at 12.40pm

CHAIRMAN _____