

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 7th March 2016 2016

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

**In Attendance: Tracy Brzozowski, Licensing and Enforcement Manager
Nigel Yates, Licensing Enforcement Officer (in part)
Susan Chadwick, Licensing and Compliance Officer (in part)
Richard Bingham, Legal Services Officer
Jenni Cook, Committee Officer
PC Scott, Lancashire Constabulary (in part)
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.

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

Note: PC Scott and 4 witnesses were brought into the Sub-Committee. There was a short delay whilst the Driver and his party were asked twice to come into the Chamber.

The Chair welcomed the Driver, his wife, the interpreter and his Barrister to the Sub-Committee. PC Scott and the Witnesses were welcomed to the Sub-Committee.

The Chair noted that although this was a quasi-judicial process, this was not a court of law and there would be no cross-examination permitted.

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

PC Scott addressed the Sub-Committee and answered questions for clarification from Members.

Note: The Driver's Solicitor entered the meeting.

The Witnesses addressed the Sub-Committee and answered questions for clarification.

The Driver's representative presented his case to the Sub-Committee. The Driver was asked to address the Sub-Committee as Members were confident they could understand him.

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

The Legal Officer advised that the Driver's Barrister should complete her submission. All parties were advised of the correct time to speak.

The Driver, PC Scott, the Witnesses and the Licensing Officers left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the Licence is revoked under Section S61 of the Local Government (Miscellaneous Provisions) Act 1976. The Committee did not consider Mr KH to be a fit and proper person to hold a hackney carriage drivers licence.
2. Mr KH was advised 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 KH was served with his 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: There was a short comfort break before the next item.

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

The Chair welcomed the Driver, his representative, a representative of the taxi trade and the Witness to the Sub-Committee.

The Chair noted that although this was a quasi-judicial process, this was not a court of law and there would be no cross-examination permitted.

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

The Witness addressed the Sub-Committee and answered questions for clarification from Members.

The Driver and his representative disputed the investigation of the complaint and the Chair allowed them to present evidence. The Sub-Committee did not consider the information relevant to the matter at hand. The Driver and his representative presented their case to the Sub-Committee.

The Sub-Committee Members asked questions of the Driver, the witness and the Licensing Officers for clarification purposes only.

The Witness was permitted to respond on a matter.

The Driver, his representative, the taxi trade representative, the Witness and the Licensing Officers left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the Driver is 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 Driver was advised 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.
3. 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, Byelaws relating to Hackney Carriages, and the Sub-Committee took into account all the relevant information put before them.

The meeting commenced at 9.45am and closed at 1.10pm

CHAIRMAN _____