

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 21st June 2016

Present: Councillors Hughes (in the Chair), Haworth and M Smith

**In Attendance: Nigel Yates, Licensing Enforcement Officer
Richard Bingham, Legal Services Officer
Abigail Wrench, Trainee Solicitor
Jenni Cook, Committee Officer
10 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

No interests were declared.

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 Enforcement 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.

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

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

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

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

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

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

Resolved:

1. That the licence is revoked with immediate effect. The Sub-Committee did not consider Mr HNA a fit and proper person to hold a hackney carriage drivers licence.
2. The driver was informed of his right of appeal to the magistrates court which must be exercised within 21 days of service of the decision letter upon him.
3. The driver was informed of the reason for the decision and that he would receive written confirmation of the Council's decision.

Note: the Licensing Enforcement Officer took steps to retrieve Mr HNA's hackney carriage badge. Mr HNA did not have his badge with him, however he confirmed it would be returned to the Licensing Unit.

Reason for Decision

The matter 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.

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

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

The Licensing Enforcement Officer issued Mr MA with a caution. Mr MA confirmed his understanding of this caution.

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

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

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

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

Resolved:

1. That the licence is suspended for a period of one month.
2. The Driver was informed of his right of appeal to the magistrates court which must be exercised within 21 days of service of the decision letter upon him. The suspension would therefore take effect after the 21 day appeal period.
3. The Driver was informed that should he choose to appeal the decision he could continue to operate as usual until the date of the appeal hearing. If the Court refused the appeal then the suspension would take effect following this determination.

4. The Driver was informed that he must surrender his badge to the Licensing Unit by midday on the first day of the suspension period and the badge would be returned to him at the end of the suspension period.
5. The Driver was informed of the reason for the decision and that he would receive written confirmation of the council's decision.

Reason for Decision

The matter 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 IA (C3)

The Chair welcomed the Applicant to the Sub-Committee.

The Licensing Enforcement 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 Enforcement Officer for clarification purposes only.

The Applicant and the Licensing Enforcement Officer left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the application 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 informed of his right of appeal to the Magistrate's Court which must be exercised with 21 days of service of the decision letter upon him.
3. The Applicant was informed of the reason for the decision and that he would receive written confirmation of the council's decision.

Reason for Decision

The matter 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 MIA (Item C4)

The Chair welcomed the Applicant to the Sub-Committee.

The Licensing Enforcement 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 Enforcement Officer for clarification purposes only.

The Applicant and the Licensing Enforcement Officer left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the application 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 informed of his right of appeal to the Magistrate's Court which must be exercised with 21 days of service of the decision letter upon him.
3. The Applicant was informed of the reason for the decision and that he would receive written confirmation of the council's decision.

Reason for Decision

The matter 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 TM (Item C5)

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

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

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

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

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

Resolved:

1. That the licence is revoked. The Sub-Committee no longer considered Mr TM to be a fit and proper person to hold a hackney carriage drivers licence.
2. Mr TM was informed of his right of appeal to the magistrates court which must be exercised within 21 days of service of the decision letter upon him.
3. Mr TM was informed of the reason for the decision and that he would receive written confirmation of the Council's decision.

Reason for Decision

The matter 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 MR (Item C6)

The Chair welcomed the Driver to the Sub-Committee.

The Licensing Enforcement Officer issued Mr MR with a caution. Mr MR confirmed his understanding of the caution.

The Licensing Enforcement 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 Enforcement Officer for clarification purposes only.

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

Resolved:

1. That the licence is revoked. The Sub-Committee no longer considered Mr MR to be a fit and proper person to hold a hackney carriage drivers licence.
2. Mr MR was informed of his right of appeal to the magistrates court which must be exercised within 21 days of service of the decision letter upon him.
3. Mr MR was informed of the reason for the decision and that he would receive written confirmation of the Council's decision.

Reason for Decision

The matter 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.

Resolved:

The meeting had been in session for 3 hours. The Sub-committee resolved to continue and hear all matters on the agenda.

11. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR OS (Item C7)

The Chair welcomed the Applicant and his friend to the Sub-Committee. The Licensing Enforcement 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 asked questions of the Applicant and the Licensing Enforcement Officer for clarification purposes only.

The Applicant, his friend and the Licensing Enforcement Officer 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 his application would be processed and the Licensing Unit would be in touch when it was ready to collect.

Reason for Decision

The matter 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 APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR OT (Item C8)

The Chair welcomed the Applicant the Sub-Committee.

The Licensing Enforcement 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 asked questions of the Applicant and the Licensing Enforcement Officer for clarification purposes only.

The Applicant and the Licensing Enforcement Officer 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 his application would be processed and the Licensing Unit would be in touch when it was ready to collect.

Reason for Decision

The matter 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 10am and closed at 1.45pm

CHAIRMAN _____