

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 26th April 2016

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

**In Attendance: Tracy Brzozowski, Licensing and Enforcement Manager
Nathan Howson, Licensing and Compliance Officer
Abigail Wrench, Trainee Solicitor
Jenni Cook, Committee Officer
9 applicants/family/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

Councillor De Souza declared an interest in Item C4, as the issues had occurred within her ward. Councillor Smallridge was proposed and seconded to chair Item C4.

Resolved:

That Councillor Smallridge would chair Item C4.

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 JAA (Item C2)

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 officers left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the hackney carriage drivers licence is suspended for a period of one month.
2. The driver has a 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. Should the driver choose to appeal the decision then he may continue to operate as usual until the date of the appeal hearing. If the magistrates court were to uphold the decision then the suspension will take place effect following this determination.
4. The driver must surrender their badge to the Licensing Unit by midday on the first day of the suspension period.
5. The driver's badge will be returned at the end of the suspension period.
6. 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.

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

The Chair welcomed the Applicant and his friend 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, his friend and the Licensing officers 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 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 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.

Note: Councillor De Souza left the meeting and Councillor Smallridge chaired Item C4.

7. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MS GH (Item C4)

The Chair welcomed the Driver to the Sub-Committee and confirmed that the Sub-Committee was quorate with two members.

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

The Applicant presented her 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 officers left the room to enable the Sub-Committee to determine the application.

Resolved:

That no further action be taken. The Sub-Committee considered the Driver 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.

Note: Councillor De Souza re-joined the meeting and chaired the remaining items.

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

The Chair welcomed the Driver to the Sub-Committee. The Licensing and Enforcement Manager informed the Sub-Committee that the Driver's Solicitor was unwell and was not present. The Driver and the Licensing Officers left the room.

Resolved:

That the item be heard today.

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

In view of the Driver's difficulties with English, a member of staff who spoke some Urdu was asked to assist 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, the member of staff assisting and the Licensing Officers 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 QH to be a fit and proper person to hold a hackney carriage drivers licence.
2. Mr QH was advised 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 QH 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 EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR MWR (Item C6)

The Chair welcomed the Driver and his friend, who would be providing translation assistance, to the Sub-Committee. The Licensing and Enforcement Manager informed the Sub-Committee that the Driver's Solicitor's wife was unwell and was not present. The Driver, his friend and the Licensing Officers left the room.

Resolved:

That the item be heard today.

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, his friend and the Licensing officers 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 MWR to be a fit and proper person to hold a hackney carriage drivers licence.
2. Mr MWR was advised 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 MWR 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 DAS (Item C7)

The Chair welcomed the Driver and his union 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 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, his union representative and the Licensing officers 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 DAS to be a fit and proper person to hold a hackney carriage drivers licence.
2. Mr DAS was advised 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 DAS 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.

11. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR NUA (Item C1)

The Licensing and Enforcement Manager advised the Sub-Committee that the Applicant was not present. Officers had not been able to obtain any evidence from Royal Mail that the Applicant had received the Sub-Committee information. This item had been deferred from the Sub-Committee on 7th April 2016 for the same reasons. Officers had attempted to contact the Applicant by post, email and telephone.

Resolved:

That the Application be heard today.

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

The Licensing officers 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 would be 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 Applicant would be notified of the decision in writing 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, 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 _____