

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 7th September 2016

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

**In Attendance: Nathan Howson, Licensing Enforcement Officer
Bankole Thomas, Solicitor
Abigail Wrench, Trainee Solicitor
Jenni Cook, Committee Officer
Glenda Ashton, Committee and Member Services Officer
6 applicants/friends/representatives**

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

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 DRIVER – MR MA (Item C2)

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

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

The Driver and his brother presented the 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 brother and the Licensing Enforcement Officer left the room to enable the Sub-Committee to come to a decision.

Resolved:

1. That the Licensee be required to take and pass the DVSA test and have provided evidence of this to the Licensing and Enforcement Unit within a period of 3 months (or evidence be provided that an appointment could not be obtained). If evidence was not provided within 3 months then the driver would be called back to the Sub-Committee.
2. The Driver was informed of his right of appeal to the Magistrates' Court which must be exercised within 21 days of receipt of notification of the decision.
3. The driver was informed of the reasons for the decision and that he would receive written notification of the 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.

6. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVER – MR FEF (Item C3)

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

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

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

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

The Driver, his representatives and the Licensing Enforcement Officer left the room to enable the Sub-Committee to come to a decision.

Resolved:

1. That the driver's Hackney Carriage licence be suspended for a period of 28 calendar days.
2. The driver was informed of his right of appeal to the Magistrates' Court which must be exercised within 21 days of receipt of notification of the decision.
3. The driver was advised that should he choose to appeal the decision then he could continue to operate as usual until the date of the appeal hearing. Should the court refuse the appeal, the suspension would take effect following this determination.
4. He was advised that he must surrender his badge to the Licensing Unit by midday on the first day of the suspension period.
5. The badge would be returned to the driver at the end of the suspension period.

6. The driver was informed of the reasons for the decision and that he would receive written notification of the 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 UKK (Item C5)

The Chair welcomed the Applicant to the Sub-Committee.

The Licensing Enforcement Officer presented the report and detailed the 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 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 be 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 EXISTING HACKNEY CARRIAGE DRIVER – MR MSA (Item C1)

The Licensing Enforcement Officer advised the Sub-Committee that the driver was not present and it was unclear if he had received the paperwork regarding the hearing.

The Licensing Enforcement Officer left the room whilst the Sub-Committee decided whether or not to hear the item.

Resolved:

That the item be deferred to the next available Sub-Committee, likely to be October.

Reason for Decision

In the interests of fairness.

9. **REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVER – MR SAK (Item C4)**

The Licensing Enforcement Officer advised the Sub-Committee that the driver was not present and it was unclear if the driver had received the paperwork regarding the hearing.

The Licensing Enforcement Officer left the room whilst the Sub-Committee decided whether or not to hear the item.

Resolved:

That the item be deferred to the next available Sub-Committee, likely to be October.

Reason for Decision

In the interests of fairness.

The meeting commenced at 10am and closed at 12.50pm

CHAIRMAN _____