

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 26th October 2016

**Present: Councillors Smallridge (in the Chair), Crawforth and Haworth
(in part – substituting for Councillor Cheetham)**

**In Attendance: Nigel Yates, Licensing Enforcement Officer
David Hodson, Licensing Enforcement Officer
Phil Morton, Licensing and Enforcement Manager
Abigail Wrench, Trainee Solicitor
Carolyn Sharples, Committee and Member Services
Manager
12 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 SAK (Item C1)

The Chair welcomed the Driver and the witness 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 Witness presented their evidence to the Sub-Committee.

The Driver presented the case to the Sub-Committee.

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

The Driver, Witness and the Licensing Enforcement Team left the room to enable the Sub-Committee to come to a decision.

Resolved:

1. That the licence be revoked under Section 61(1) of the Local Government Miscellaneous Provisions Act 1976. The Sub-Committee did not consider the Mr SAK a fit and proper person to hold a Hackney Carriage drivers licence.
2. Mr SAK 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. Mr SAK 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.

6. REPORT TO CONSIDER AN APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE AND DETERMINATION OF AN EXISTING HACKNEY CARRIAGE DRIVER – MR AJ (Item C3)

The Chair welcomed the Applicant/Driver to the Sub-Committee.

The Licensing Enforcement Officer presented the report and detailed the application for a Private Hire drivers licence and detailed the circumstances which had brought the Driver before the Sub-Committee in relation to his existing Hackney Carriage drivers licence.

The Applicant/Driver presented his case to the Sub-Committee.

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

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

Resolved:

1. That the application for a private hire driver's licence is granted. The Sub-Committee considered the Applicant to be a fit and proper person to hold a Private Hire driver's licence.
2. That no further action be taken in relation to the existing Hackney Carriage drivers licence.

3. The Sub-Committee informed Mr AJ that it was his responsibility to know and understand the Council's approved policies and procedures, and to take a more considerate attitude towards his driving in future.

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 PRIVATE HIRE DRIVERS LICENCE – MR MA (Item C4)

The Chair welcomed the Applicant to the Sub-Committee.

The Licensing Enforcement Officer presented the report and detailed the application for a Private Hire drivers licence.

The Applicant presented the case to the Sub-Committee.

The Sub-Committee Members asked questions of the Applicant for clarification purposes only.

The Applicant and the Licensing Enforcement Team 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 a fit and proper person to hold a private hire 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.

N.B. Councillor Haworth joined the meeting to substitute for Councillor Cheetham.

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

The Chair welcomed the Driver and his Representative 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 Representative presented the case to the Sub-Committee.

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

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

Resolved:

1. That the licence be revoked under Section 61(1) of the Local Government Miscellaneous Provisions Act 1976. The Sub-Committee did not consider Mr WM a fit and proper person to hold a Hackney Carriage drivers licence.
2. Mr WM 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. Mr WM 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 APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE – MR KAS (Item C6)**

The Chair welcomed the Applicant to the Sub-Committee.

The Licensing Enforcement Officer presented the report and detailed the application for a Private Hire drivers licence.

The Applicant presented the case to the Sub-Committee.

The Sub-Committee Members asked questions of the Applicant for clarification purposes only.

The Applicant and the Licensing Enforcement Team 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 a fit and proper person to hold a private hire 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.

10. REPORT TO CONSIDER AN APPLICATION TO RENEW A HACKNEY CARRIAGE DRIVERS LICENCE – MR MFT (Item C7)

The Chair welcomed the Applicant to the Sub-Committee.

The Licensing Enforcement Officer presented the report and detailed the application for a Hackney Carriage drivers licence.

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

Resolved:

1. That the licence be renewed and the Applicant would be required to take and pass the DVSA test (or Council-approved equivalent) and provide evidence of this to the Licensing and Enforcement Unit within a period of 3 months (unless the Licensee provided evidence that an appointment cannot be obtained). If the Applicant failed to provide such evidence within 3 months, he would be called back to the Licensing Sub-Committee.
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.

11. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE VEHICLE LICENCE – Registered Proprietor Mr SR (Item C8)

The Chair welcomed the registered proprietor, and his Representatives to the Sub-Committee.

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

The registered proprietor and one of his Representatives presented the case to the Sub-Committee.

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

The registered proprietor, his Representatives and the Licensing Enforcement Team left the room to enable the Sub-Committee to come to a decision.

The Sub-Committee had been in session for 3 hours and were asked to decide whether to continue with the meeting and hear the remaining items on the agenda.

Resolved:

The Sub-Committee agreed to continue the meeting and hear the remaining items on the agenda.

Resolved:

1. That the vehicle licence be revoked under Section 60 subsection (1) subsection (c) of the Local Government Miscellaneous Provisions Act 1976.
2. The registered proprietor 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 registered proprietor 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 Intended Use Policy for Hackney Carriage Vehicles, and the Sub-Committee took into account all the relevant information put before them.

12. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE VEHICLE LICENCE – Registered Proprietor Mr MKJ (Item C9)

The Chair welcomed the registered proprietor to the Sub-Committee.

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

The registered proprietor presented the case to the Sub-Committee.

The Sub-Committee Members asked questions of the registered proprietor for clarification purposes only.

The registered proprietor and the Licensing Enforcement Team left the room to enable the Sub-Committee to come to a decision.

Resolved:

1. That the vehicle licence be revoked under Section 60 subsection (1) subsection (c) of the Local Government Miscellaneous Provisions Act 1976.
2. The registered proprietor 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 registered proprietor 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, Byelaws relating to Hackney Carriages, and the Sub-Committee took into account all the relevant information put before them.

13. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVER – MR MSA (Item C2)

The Committee and Member Services Manager advised the Sub-Committee that the driver was not present. It was noted that the Driver had been given the opportunity to attend on a previous occasion, but had not attended on that occasion either.

The Sub-Committee decided to hear the item in the Driver's absence as it had already been deferred from the previous meeting and the Driver had been given the opportunity to attend on two occasions.

The Licensing Enforcement Officer presented the report and detailed the circumstances which had brought the existing Hackney Carriage drivers licence before the Sub-Committee.

The Licensing Enforcement Team left the room to enable the Sub-Committee to come to a decision.

Resolved:

1. That the licence be revoked with immediate effect under Section 61(2) (2B) of the Local Government Miscellaneous Provisions Act 1976. The Sub-Committee did not consider Mr MSA a fit and proper person to hold a Hackney Carriage drivers licence.
2. Mr MSA would be 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. Mr MSA would receive written confirmation of the council's decision and its reasons.

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 14.45pm

CHAIRMAN _____