

**MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)**

**Date of Meeting: 9<sup>th</sup> November 2016**

**Present: Councillors Smallridge (in the Chair), Crawforth and Eaton**

**In Attendance: Phil Morton, Licensing and Enforcement Manager  
Abigail Wrench, Trainee Solicitor  
Jenni Cook, Committee Officer  
9 applicants/friends/representatives**

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## **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.

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In the interests of expediency and due to the number of items on the agenda, the Chair asked the Licensing Enforcement Manager to outline to all persons present the relevant information which applied to all confidential applications.

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### **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 AjM (Item C1)**

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

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

The Driver and his Barrister 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 Barrister and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to come to a decision.

**Resolved:**

1. That no 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 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 – MR MZRA (Item C2)**

The Chair welcomed the Applicant to the Sub-Committee.

The Licensing and Enforcement Manager presented the report and detailed the application for a Private Hire drivers 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 and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to determine the application.

**Resolved:**

1. That the application was refused. The Sub-Committee did not consider the Applicant to be a fit and proper person to be a fit and proper person to hold a hackney carriage drivers licence.
2. The Applicant was informed of the reason for the decision and of his right of appeal before the Magistrates Court which must be exercised within 21 days of receipt of the decision in writing.
3. The Applicant was informed the he would receive confirmation of the decision in writing.

**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 EXISTING PRIVATE HIRE DRIVERS LICENCE – MR AA (Item C3)**

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

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

The Driver presented the case to the Sub-Committee.

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

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

**Resolved:**

1. That the private hire drivers licence is revoked. The Sub-Committee did not consider Mr AA to be a fit and proper person to hold a hackney carriage drivers licence.
2. Mr AA 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 AA 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 PRIVATE HIRE DRIVERS LICENCE – MR MSK (Item C4)**

The Chair welcomed the Applicant to the Sub-Committee.

The Licensing and Enforcement Manager 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 and Licensing and Enforcement Manager for clarification purposes only.

The Applicant and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to come to a decision.

**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.

**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 KS (Item C5)**

The Chair welcomed the Applicant to the Sub-Committee.

The Licensing and Enforcement Manager 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 and the Licensing and Enforcement Manager for clarification purposes only.

The Applicant and the Licensing and Enforcement Manager 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 EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR JQM (Item C6)**

The Chair welcomed the Driver to the Sub-Committee.

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

The Driver presented the 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 and Enforcement Manager left the room to enable the Sub-Committee to determine the application.

**Resolved:**

1. That the Driver 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 Driver failed to provide such evidence within 3 months, he would be called back to the Licensing Sub-Committee.

2. The Driver 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 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.

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

The Chair welcomed the registered proprietor, and someone who would be assisting with translation, to the Sub-Committee.

The Licensing and Enforcement Manager 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 and the Licensing and Enforcement Manager for clarification purposes only.

The registered proprietor, the other person and the Licensing and Enforcement Manager 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, 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 DRIVERS LICENCE – MR AM (Item C7)**

It was noted that the Driver had informed the Licensing and Enforcement Unit that he was not in the country at the time of the Sub-Committee.

The Licensing and Enforcement Manager left to room so that the Sub-Committee could determine whether to hear the item.

**Resolved:**

1. That the item be deferred to the next available Sub-Committee.

**Reason for Decision**

To give the Driver a chance to attend the Sub-Committee.

**The meeting commenced at 10am and closed at 1.20pm**

CHAIRMAN \_\_\_\_\_