

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

**Date of Meeting: 12<sup>th</sup> January 2017**

**Present: Councillors Smallridge (Chair), Farrington (sub for Crawforth) and Eaton**

**In Attendance: Nigel Yates, Licensing Enforcement Officer  
Abigail Wrench, Trainee Solicitor  
Carolyn Sharples, Committee & Member Services Manager  
Joanna Griffin, Committee & Member Services Officer,  
Jackie Oakes, Portfolio Holder for Legal and Democratic Services (in part)  
2 drivers**

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## **BUSINESS MATTERS**

### **1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Crawforth and it was noted that Councillor Farrington was subbing.

### **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 Officer 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 involved the disclosure of exempt information under Paragraph 1 of Schedule 12A of the Act.

### **5. REPORT TO CONSIDER A RENEWAL APPLICATION FOR HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR MD (Item C4)**

The Chair welcomed the applicant to the Sub-Committee and explained that Councillor Oakes, Portfolio Holder for Legal and Democratic Services, would be observing the meeting.

The Licensing Enforcement Officer presented the report and detailed 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 for clarification purposes only.

The driver, Portfolio Holder and the Licensing Enforcement Officer left the room to enable the Sub-Committee to come to a decision.

**Resolved:**

1. The Licence would not be renewed. The Sub-Committee did not consider the driver to be a fit and proper person to hold a hackney carriage drivers licence.
2. The driver was informed of the reason for the decision and of the right of appeal before the Magistrates' Court which must be exercised within 21 days of receipt of the decision in writing.
3. The driver was informed that 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.

**6. REPORT TO REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR SS (Item C8)**

The Chair welcomed the driver to the Sub-Committee and explained that Councillor Oakes, Portfolio Holder for Legal and Democratic Services, would be observing the meeting.

The Licensing Enforcement Officer presented the report and detailed 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 & Licensing Enforcement Officer for clarification purposes only.

The driver, Portfolio Holder and the Licensing Enforcement Officer left the room to enable the Sub-Committee to come to a decision.

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**N.B.** Councillor Oakes left the meeting at this point and was not present during the remainder of the meeting.

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**Resolved:**

1. That the driver's licence would be revoked under the Local Government Miscellaneous Provisions Act 1976, Section 61(1). The Sub-Committee did not consider the driver to be a fit and proper person to hold a hackney carriage driver's licence.
2. The driver was informed of the reason for the decision and of the right of appeal before the Magistrates' Court which must be exercised within 21 days of receipt of the decision in writing.
3. The driver was informed that 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 DETERMINE OF EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR RA (item C1)**

The Licensing Enforcement Officer confirmed the letter and report in relation to today's Sub-Committee meeting was sent recorded delivery and had been signed for.

The Sub-Committee made the decision to hear the case without the driver being present.

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

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

**Resolved:**

1. That the driver's licence would be revoked under the Local Government Miscellaneous Provisions Act 1976, Section 61(1). The Sub-Committee did not consider the driver to be a fit and proper person to hold a hackney carriage driver's licence.
2. The driver would be informed of the reason for the decision and of the right of appeal before the Magistrates' Court which must be exercised within 21 days of receipt of the decision in writing.
3. The driver 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.

**8. REPORT TO REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR WA (Item C2)**

The Licensing Enforcement Officer confirmed the letter and report in relation to today's Sub-Committee meeting was sent recorded delivery and had been signed for.

The Sub-Committee made the decision to hear the case without the driver being present.

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

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

**Resolved:**

1. That the driver's licence would be revoked with immediate effect under the S61 2(2B) of the Local Government (Miscellaneous Provisions) Act 1976. The Sub-Committee did not consider the driver to be a fit and proper person to hold a hackney carriage driver's licence
2. The driver would be informed of the reason for the decision and of the right of appeal before the Magistrates' Court which must be exercised within 21 days of receipt of the decision in writing.
3. The driver 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.

**9. REPORT TO REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR SH (Item C3)**

The Licensing Enforcement Officer confirmed the letter and report in relation to today's Sub-Committee meeting was sent recorded delivery and had been signed for.

The Sub-Committee made the decision to hear the case without the driver being present.

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

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 (or council approved equivalent) and have provided evidence of this to the Licensing and Enforcement Unit within a period of 3 months (unless the Licensee can provide evidence that an appointment cannot be obtained). If the Licensee fails to provide such evidence within 3 months then the Licensee will be called back to the Sub-Committee.
2. The driver would be informed of the reason for the decision and of the right of appeal before the Magistrates' Court which must be exercised within 21 days of receipt of the decision in writing.
3. The driver 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.

## **10. REPORT TO REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR AH (Item C5)**

The Licensing Enforcement Officer confirmed the letter and report in relation to today's Sub-Committee meeting was sent recorded delivery and had been signed for.

The Sub-Committee made the decision to hear the case without the driver being present.

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

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

### **Resolved:**

1. That the driver's licence would be revoked under the Local Government Miscellaneous Provisions Act 1976, Section 61(1). The Sub-Committee did not consider the driver to be a fit and proper person to hold a hackney carriage driver's licence
2. The driver would be informed of the reason for the decision and of the right of appeal before the Magistrates' Court which must be exercised within 21 days of receipt of the decision in writing.
3. The driver 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.

**11. REPORT TO REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR SP (Item C6)**

The Licensing Enforcement Officer confirmed the letter and report in relation to today's Sub-Committee meeting was sent recorded delivery and had been signed for.

The Sub-Committee made the decision to hear the case without the driver being present.

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

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

**Resolved:**

1. That the driver's licence would be revoked under the Local Government Miscellaneous Provisions Act 1976, Section 61(1). The Sub-Committee did not consider the driver to be a fit and proper person to hold a hackney carriage driver's licence
2. The driver would be informed of the reason for the decision and of the right of appeal before the Magistrates' Court which must be exercised within 21 days of receipt of the decision in writing.
3. The driver 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.

**12. REPORT TO REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR MRP (Item C7)**

The Licensing Enforcement Officer confirmed the letter and report in relation to today's Sub-Committee meeting was sent recorded delivery and had been signed for.

The Sub-Committee made the decision to hear the case without the driver being present.

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

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 (or council approved equivalent) and have provided evidence of this to the Licensing and Enforcement Unit within a period of 3 months (unless the Licensee can provide evidence that an appointment cannot be obtained). If the Licensee fails to provide such evidence within 3 months then the Licensee will be called back to the Sub-Committee.
2. The driver would be informed of the reason for the decision and of the right of appeal before the Magistrates' Court which must be exercised within 21 days of receipt of the decision in writing.
3. The driver 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.

**The meeting commenced at 10am and closed at 12pm.**

CHAIRMAN \_\_\_\_\_