

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 9th 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**

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 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 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 _____

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 24th November 2016

Present: Councillors Smallridge (Chair), Crawforth and Haworth

**In Attendance: Phil Morton, Licensing and Enforcement Manager
Abigail Wrench, Trainee Solicitor
Glenda Ashton, Committee & Member Services Officer
5 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 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 involved the disclosure of exempt information under Paragraph 1 of Schedule 12A of the Act.

5. REPORT TO REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER – MR SU (Item C4)

The Chair welcomed the Driver, his wife and the Interpreter 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 through the Interpreter 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 wife, the Interpreter and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to come to a decision.

Resolved:

1. That the licence was not 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 his 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 CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR ATT (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 Hackney Carriage driver's licence.

The Applicant presented his case to the Sub-Committee.

The Sub-Committee Members asked questions of the Applicant 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 hold a Hackney Carriage driver's 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 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 CONSIDER AN APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE – MR SM (Item C1)

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 driver's 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 and Enforcement Manager left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the licence was granted. The Sub-Committee considered the applicant to be a fit and proper person to hold a Private Hire driver's licence.

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 DETERMINE AN EXISTING HACKNEY CARRIAGE VEHICLE LICENCE – TUI 1887 (Item C3)

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

Resolved:

1. That the item be deferred to the Sub-Committee meeting on 20th December 2016.

Reason for Decision

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

The meeting commenced at 10am and closed at 11.30am

CHAIRMAN _____

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 1st December 2016

Present: Councillors Hughes (Chair), Haworth and M. Smith

**In Attendance: Phil Morton, Licensing Manager
Abigail Wrench, Trainee Solicitor
Jenni Cook, Committee Officer
3 applicants/drivers**

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 however it was noted that Item C3 had been withdrawn from the agenda.

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.

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 AN EXISTING HACKNEY CARRIAGE VEHICLE LICENCE FOR REGISTRATION GJ15 DCV (Item C1)

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

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

The vehicle proprietor presented his case to the Sub-Committee.

The Sub-Committee Members asked questions of the vehicle proprietor and the Licensing Manager for clarification purposes only.

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

Resolved:

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

6. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE VEHICLE LICENCE FOR REGISTRATION KY61 LJF (Item C2)

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

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

The vehicle proprietor presented his case to the Sub-Committee.

The Sub-Committee Members asked questions of the vehicle proprietor and the Licensing Manager for clarification purposes only.

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

Resolved:

1. That the vehicle licence would be revoked under Section 60 subsection (1) of the Local Government Miscellaneous Provisions Act 1976.
2. The vehicle proprietor 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 vehicle proprietor 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, the Intended Use Policy 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 MIY (Item C4)

The Chair welcomed the Applicant to the Sub-Committee.

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

Resolved:

1. That the licence was refused. The Sub-Committee did not consider the Applicant to be a fit and proper person to hold a private hire drivers licence.
2. The Applicant 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 Applicant 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 and the Sub-Committee took into account all the relevant information put before them.

The meeting commenced at 10am and closed at 11.10am

CHAIRMAN _____

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 20th December 2016

Present: Councillors Smith (Chair), Eaton and Farrington

**In Attendance: Phil Morton, Licensing Manager
Abigail Wrench, Trainee Solicitor
Glenda Ashton, Committee & Member Services Officer
3 applicants/drivers**

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

5. REPORT TO CONSIDER AN APPLICATION FOR A PRIVATE HIRE OPERATOR LICENCE FOR MR AH (Item C1)

The Chair welcomed the applicant to the Sub-Committee.

The Licensing Manager presented the report and detailed the application for a Private Hire Operator Licence.

The applicant presented his case to the Sub-Committee.

The Sub-Committee Members & Licensing Manager asked questions of the applicant for clarification purposes only.

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

Resolved:

1. That the licence was granted for a period of 12 months subject to the conditions at Appendix B. It was also subject to a satisfactory basic disclosure. The Sub-Committee considered the applicant to be a fit and proper person to hold a Private Hire Operator 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 TO RENEW A HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR YA (Item C3)

The Chair welcomed the driver to the Sub-Committee.

The Licensing Manager 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 & Licensing Manager asked questions of the driver for clarification purposes only.

The driver and the Licensing Manager left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the licence was not renewed 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 REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR SAZS (Item C9)

The Chair welcomed the driver to the Sub-Committee.

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

Resolved:

1. That the drivers 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.

At this point a short comfort break was taken.

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

The Licensing Manager advised that he could not confirm that the driver had received his paperwork in relation to today's Sub-Committee meeting.

Resolved:

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

Reason for Decision

To give the driver the opportunity to attend the Sub-Committee.

9. **REPORT TO REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR AH (Item C4)**

The Licensing Manager advised that he could not confirm that the driver had received his paperwork in relation to today's Sub-Committee meeting.

Resolved:

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

Reason for Decision

To give the driver the opportunity to attend the Sub-Committee.

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

The Licensing Manager advised that he could not confirm that the driver had received his paperwork in relation to today's Sub-Committee meeting.

Resolved:

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

Reason for Decision

To give the driver the opportunity to attend the Sub-Committee.

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

It was noted that the driver's wife had informed the Licensing and Enforcement Unit that he was still out of the country due to a medical condition so was unable to attend the Sub-Committee meeting.

Resolved:

1. That the item be deferred to the next available Sub-Committee meeting.
2. That the driver produces a medical note to the Licensing and Enforcement Unit to verify his non-attendance at the Sub-Committee meeting.

Reason for Decision

To give the driver the opportunity to attend the Sub-Committee.

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

The Licensing Manager advised that he could not confirm that the driver had received his paperwork in relation to today's Sub-Committee meeting.

Resolved:

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

Reason for Decision

To give the driver the opportunity to attend the Sub-Committee.

13. REPORT TO REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR MRP (Item C8)

The Licensing Manager advised that he could not confirm that the driver had received his paperwork in relation to today's Sub-Committee meeting.

Resolved:

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

Reason for Decision

To give the driver the opportunity to attend the Sub-Committee.

The meeting commenced at 10.05am and closed at 11.50am

CHAIRMAN _____

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 12th 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**

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.

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 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.

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

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 _____