

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

**Date of Meeting: 22<sup>nd</sup> June 2017**

**Present: Councillors Smallridge (Chair), Cheetham and Johnson**

**In Attendance: Abigail Wrench, Legal Officer  
Nigel Yates, Licensing Enforcement Officer  
Peter Flynn, Licensing Enforcement Officer  
Glenda Ashton, Committee & Member Services Officer  
6 applicants/drivers/friends/representatives**

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## **BUSINESS MATTERS**

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

There were no apologies for absence.

### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **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 AN APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE FOR MR IH (C2)**

The Chair welcomed the applicant and his Solicitor to the Sub-Committee.

The Licensing Enforcement Officer presented the report and detailed the application before the Sub-Committee.

The applicant and his Solicitor presented their case to the Sub-Committee.

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

The applicant, his Solicitor and the Licensing Enforcement Officers left the room to enable the Sub-Committee to come to a decision.

**Resolved:**

1. That the application for a Private Hire driver's licence be refused under Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976. The Sub-Committee did not consider the applicant to be a fit and proper person to hold a Private Hire Driver's Licence.
2. The applicant was informed of his right of appeal to the Magistrates' Court which must be exercised within 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.

**6. REPORT TO REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENSE FOR MR AM (ITEM C4)**

The Chair welcomed the driver 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 presented his 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 and the Licensing Enforcement Officers left the room to enable the Sub-Committee to come to a decision.

**Resolved:**

1. That the Hackney Carriage driver's licence be revoked under Section 61(1) 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 was informed of his right of appeal to the Magistrates' Court which must be exercised within 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.

A comfort break was taken at this point.

**7. REPORT TO REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR SM (ITEM C6)**

The driver and his wife were in attendance. The Chair welcomed them 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 wife presented their case to the Sub-Committee.

The Sub-Committee Members asked questions of the driver and his wife for clarification purposes only.

The driver, his wife and the Licensing Enforcement Officers left the room to enable the Sub-Committee to come to a decision.

**Resolved:**

1. That the Hackney Carriage driver's licence be suspended under Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 until the DVSA test (or council approved equivalent) has been taken and passed and evidence provided of this to the Licensing and Enforcement Unit within a period of 3 months (unless evidence provided that an appointment could not be obtained).
2. The driver was informed of his right of appeal to the Magistrates' Court which must be exercised within 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.

Subsequent to the decision, the driver and his wife advised that they would be returning his Rossendale Hackney Carriage driver's licence and plates as he had applied for a licence with a different Local Authority.

**8. REPORT TO REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR AMS (ITEM C8)**

The Chair welcomed the driver to the Sub-Committee.

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

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

**Resolved:**

1. That no further action be taken. The Sub-Committee considered the driver to be a fit and proper person to hold a Hackney Carriage 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, 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 TO RENEW A HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR SM (ITEM C5)**

The driver was not in attendance. The Sub-Committee agreed to hear the details in the driver's absence.

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

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

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

**Resolved:**

1. That the application to renew the Hackney Carriage driver's licence be refused under Section 61(1) 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 his right of appeal to the Magistrates' Court which must be exercised with 21 days of service of the decision letter upon him.
3. The driver would be informed of the reason for the decisions and that he would receive written confirmation of the Council's decisions.

**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, Intended Use Policy 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 BM (ITEM C7)**

The driver was not in attendance. The Sub-Committee agreed to hear the details in the driver's absence.

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

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

**Resolved:**

1. That the Hackney Carriage driver's licence be revoked under Section 61(1) 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 his right of appeal to the Magistrates' Court which must be exercised with 21 days of service of the decision letter upon him.
3. The driver would be informed of the reason for the decisions and that he would receive written confirmation of the Council's decisions.

**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 MDSHBW (ITEM C1)**

The driver was not in attendance. The Licensing Enforcement Officer advised that the driver had changed address without notifying the Licensing and Enforcement Team. Details of the Sub-Committee hearing had been sent to the driver's previous address.

**Resolved:**

1. That the decision be deferred until a further hearing could be arranged.

**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 CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR SI (ITEM C3)**

The driver was not in attendance. The Sub-Committee were advised that the driver had asked for the hearing to be re-arranged to enable him to attend with legal representation.

**Resolved:**

1. That the decision be deferred until a further hearing could be arranged.

**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 concluded at 12.35pm**

CHAIRMAN \_\_\_\_\_