

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 22nd February 2018

Present: Councillors Hughes (Chair), Haworth and Johnson

**In Attendance: Abigail Wrench, Legal Officer
Nigel Yates, Licensing Enforcement Officer
Joanna Wood, Committee & Member Services Officer
4 applicants/drivers/friends/representatives**

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.

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 THE REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE FOR RKK (ITEM C4)

The Chair welcomed the driver and his friend 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 for clarification purposes only.

The driver, his friend and the Licensing Enforcement Officer 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.

6. REPORT TO CONSIDER THE REVIEW OF PRIVATE HIRE VEHICLE LICENSES FOR DCR (ITEM C3)

The Chair welcomed two representatives from the company to the Sub-Committee.

Confirmation was received from the Company Director to allow the two representatives to speak on behalf of the company.

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

The representatives of the company presented their case to the Sub-Committee.

The Sub-Committee Members asked questions of the company's representatives for clarification purposes only.

The company's representatives and the Licensing Enforcement Officer left the room to enable the Sub-Committee to come to a decision.

Resolved:

1. That the Private Hire Vehicle Licences be suspended under Section 60 subsection (1) subsection (c) of the Local Government Miscellaneous Provisions Act 1976 until the fitness of the vehicles are proven to be satisfactory by passing a 6 monthly Rossendale test at one of the approved garages.
2. The Sub-Committee were not satisfied that the vehicle's proprietor have previously maintained the vehicles in a satisfactory condition. The company is required to present a copy of the Maintenance Policy and any other evidence to support an improved maintenance regime.
3. The company's representatives were informed of the reason for the decisions and that they would receive written confirmation from the Licensing Unit.

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 Private Hire

and the Sub-Committee took into account all the relevant information put before them.

7. REPORT TO CONSIDER THE REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE FOR AMW (ITEM C6)

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 for clarification purposes only.

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

Resolved:

1. That the Hackney Carriage driver's licence be suspended until the driver has taken and passed the DVSA test (or council-approved equivalent) and has provided evidence of this to the Licensing and Enforcement Unit within 3 months (unless they provide evidence that an appointment cannot be obtained). If the driver fails to provide such evidence within 3 months then they will be called back to the Sub-Committee.

4. 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.

5. 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.

8. REPORT TO CONSIDER THE REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE FOR SA (ITEM C1)

The driver was not in attendance at the Sub-Committee. The Sub-Committee agreed to hear the case in their absence.

The Licensing Enforcement Officer presented the report and detailed the circumstances that 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 Hackney Carriage driver's licence be revoked under Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976. The Committee considers that the driver is no longer a fit and proper person to hold a hackney carriage drivers licence.
2. The driver would be 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 would be 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 THE REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE FOR MB (ITEM C2)**

The driver was not in attendance at the Sub-Committee. The Sub-Committee agreed to hear the case in their absence.

The Licensing Enforcement Officer presented the report and detailed the circumstances that 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 Hackney Carriage driver's licence be revoked under Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976. The Committee considers that the driver is no longer a fit and proper person to hold a hackney carriage drivers licence.
2. The driver would be 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 would be 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.

10. **REPORT TO CONSIDER THE REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE FOR MS (ITEM C5)**

The driver was not in attendance at the Sub-Committee. The Sub-Committee agreed to hear the case in their absence.

The Licensing Enforcement Officer presented the report and detailed the circumstances that 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 Hackney Carriage driver's licence be revoked under Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976. The Committee considers that the driver is no longer a fit and proper person to hold a hackney carriage drivers licence.
2. The driver would be 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 would be 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.

The meeting concluded at 11.25am

CHAIRMAN

DATE
