

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 16th September 2014

Present: Councillors Cheetham, Gill (Chair) and Hughes

**In Attendance: Danny Dobson, Licensing and Enforcement Officer
Clare Birtwistle, Legal Services Manager
Jenni Cook, Committee Officer
4 applicants (at start of sub-committee with 1 applicant attending later)
3 members of the public/representatives**

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

No apologies had been submitted; all Sub-Committee Members were present.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

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

5. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE - Mr SA (Item C1)

The Chair welcomed the Applicant and his representative to the meeting.

The Licensing and Enforcement Officer presented the report detailing the convictions against the driver.

The Applicant and his representative spoke in favour of the case.

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

The Applicant, his representative and the Licensing Officer left the room to enable the Sub-Committee to determine the application.

Resolved:

1. The licence was 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 application had been considered in accordance with the Council's approved procedure and policy 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 MNA (Item C2)

The Chair welcomed the Applicant and his representative to the meeting.

The Licensing and Enforcement Officer presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

The Applicant and his representative spoke in favour of the case.

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

The Applicant, his Representative and the Licensing Officer left the room to enable the Committee to determine the application.

Resolved:

1. The licence was refused. The Sub-Committee did not consider the Applicant to be a fit and proper person to hold a hackney carriage drivers licence.
2. The Applicant was notified of their right of appeal to the magistrate's court which must be exercised within 21 days of service of the decision letter upon them.
3. The Applicant was handed a copy of the decision letter.

Reason for Decision

The Application 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.

7. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR KH (Item C3)

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Officer presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

The Applicant spoke in favour of the case.

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

The Applicant Licensing Officer left the room to enable the Sub-Committee to determine the application.

Resolved:

1. The licence was refused. The Sub-Committee did not consider the Applicant to be a fit and proper person to hold a hackney carriage drivers licence.
2. The Applicant was notified of their right of appeal to the magistrate's court which must be exercised within 21 days of service of the decision letter upon them.
3. The Applicant was handed a copy of the decision letter.

Reason for Decision

The Application 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. DETERMINATION OF AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR TH (Item C4)

The Chair welcomed the Driver to the meeting.

The Driver asked the Legal Services Manager if she could recommend a local solicitor. The Legal Services Manager stated that the Driver had been given adequate time to arrange representation and that the Council were unable to recommend a solicitor for him to contact.

The Licensing and Enforcement Officer presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

The Driver spoke in favour of the case and provided the Sub-Committee with information regarding an Appeal of his sentence.

The Driver and the Licensing and Enforcement Officer left the room to enable the Sub-Committee to seek legal advice. The Chair determined that the Sub-Committee should continue to hear the item.

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

The Driver and the Licensing Officer left the room to enable the Sub-Committee to determine the application.

Resolved:

1. The licence was revoked under Section 61 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 drivers licence
2. The applicant was notified of their right of appeal to the magistrate's court which must be exercised within 21 days of service of the decision letter upon them.
3. The applicant was handed a copy of the decision letter.

Reason for Decision

The Application 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.

9. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR JRT (Item C8)

The Chair welcomed the Applicant to the meeting and outlined the relevant information regarding confidential applications, which had been outlined at the start of the meeting.

The Licensing and Enforcement Officer presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

The Applicant spoke in favour of the case.

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

The Applicant and the Licensing Officer left the room to enable the Sub-Committee to determine the application.

Resolved:

That the application be granted. The Sub-Committee considered the Applicant to be a fit and proper person to hold a hackney carriage drivers licence.

The Applicant was reminded of the need to inform authorities of any incidents that were required to be reported.

Reason for Decision

The Application 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 APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR SMSH (Item C5)

The Licensing and Enforcement Officer noted that attempts had been made to deliver the paperwork to the Applicant, along with a telephone message.

The Sub-Committee agreed to hear the item in the Applicant's absence.

The Licensing and Enforcement Officer presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

Resolved:

1. The licence was refused. The Sub-Committee did not consider the Applicant to be a fit and proper person to hold a hackney carriage drivers licence.
2. The Applicant would be notified of their right of appeal to the magistrate's court which must be exercised within 21 days of service of the decision letter upon them.

Reason for Decision

The Application 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.

11. DETERMINATION OF AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR UM (Item C6)

The Licensing and Enforcement Officer noted that attempts had been made to deliver the paperwork to the Driver.

The Sub-Committee agreed to hear the item in the Driver's absence.

The Licensing and Enforcement Officer presented the report detailing the information regarding convictions which had brought the Driver before the Sub-Committee.

Resolved:

1. The licence was revoked under S61 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 hackney carriage drivers licence.
2. The applicant would be notified of their right of appeal to the magistrate's court which must be exercised within 21 days of service of the decision letter upon them.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

12. DETERMINATION OF AN APPLICATION TO RENEW A HACKNEY CARRIAGE DRIVER LICENCE – MR AS (Item C7)

The Licensing and Enforcement Officer noted that attempts had been made to deliver the paperwork to the Driver along with telephone calls and emails. The Driver had noted to Licensing Enforcement staff that he no longer lived in England and did not intend to present himself to the Committee.

The Sub-Committee agreed to hear the item in the Driver's absence.

The Licensing and Enforcement Officer presented the report detailing the information regarding convictions which had brought the Driver before the Sub-Committee.

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 Applicant would be notified of their right of appeal to the magistrates court which must be exercised within 21 days of service of the decision letter upon them.

Reason for Decision

The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

The meeting commenced at 10.05am and closed at 11.50am

CHAIRMAN
