

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 12th August 2015

Present: Councillors Crawforth (Chair) Haworth and M. Smith

**In Attendance: Abigail Wrench, Trainee Solicitor
Tracy Brzozowski, Licensing & Enforcement Manager
Jenni Cook, Committee Officer
Mark Hoyle, Enforcement Officer
14 applicants/representatives/family members**

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

There were no apologies submitted.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. URGENT ITEMS

The Chair noted that there was one urgent item of business which had been added to the Agenda. This would be taken as Item C9.

In the interests of expediency and due to the number of items on the agenda, the Chair asked the Licensing and 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 DRIVERS LICENCE – MR IA (Item C1)

The Licensing and Enforcement Manager formally cautioned the Driver. The Driver confirmed his understanding of the caution.

The Chair welcomed the Driver, his solicitor, his wife and a representative of the taxi trade to the meeting.

The Licensing and Enforcement Manager presented the report detailing the circumstances which had brought the Driver before the Sub-Committee.

The Driver and his solicitor presented his case to the Sub-Committee. It was noted that the Driver would not be answering questions regarding his pending court case, as per his legal advice.

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

The Driver, his Solicitor, wife, representative of the licensing trade and the Licensing Officers left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the licence be renewed. However if the Driver was found guilty following his trial then he would be brought back before the Sub-Committee. The Sub-Committee considered the Driver to be a fit and proper person to hold a hackney carriage drivers licence.

Reason for Decision

The report 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 RB (Item C2)

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

The Licensing and Enforcement Manager presented the report detailing proposed application for a hackney carriage drivers licence.

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

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 report 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.

A short comfort break was held.

7. REPORT TO DETERMINE AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – Mr MH (Item C3)

The Chair welcomed the Driver, his solicitor and a representative of Lancashire Constabulary to the meeting.

The Driver's Solicitor requested an adjournment to enable him to fully prepare a case for the Sub-Committee.

The Driver and the Licensing Officers left the room to enable the Sub-Committee to determine the request for an adjournment.

Resolved:

1. That the report would be deferred to the next available meeting of the Licensing Sub-Committee.

The Chair of the Committee expressed concern at the intention to contact vulnerable witnesses and urged the Solicitor against the course of action.

Reason for Decision

In the interests of fairness.

8. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR GH (Item C4)

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Manager presented the report detailing proposed application for a hackney carriage 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 Officers left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the licence is 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 served with his decision letter before he left the room.

Reason for Decision

The report 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 PK (Item C5)

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Manager presented the report detailing proposed application for a hackney carriage 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 officers left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the licence is 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 served with the decision letter before he left the room.

Reason for Decision

The report 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.

A short comfort break was held.

10. REPORT TO DETERMINE AND EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – Mr KK (Item C6)

The Chair welcomed the Driver to the meeting.

The Licensing and Enforcement Manager presented the report detailing the circumstances and subsequent investigation 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 and Enforcement Manager for clarification purposes only.

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

Resolved:

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 report 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. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR NM (Item C7)

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Manager presented the report detailing proposed application for a hackney carriage 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 officers left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the licence is 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 served with his decision letter before he left the room.

Reason for Decision

The report 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.

12. REPORT TO DETERMINE AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR AA (Item C9)

The Licensing and Enforcement Manager formally cautioned the Driver. The Driver confirmed his understanding of the caution.

The Chair welcomed the Driver to the meeting.

The Enforcement Officer presented the report detailing circumstances and subsequent investigation that had brought the Driver before the Sub-Committee.

The Driver presented his case to the Sub-Committee.

A short break was held to allow the Driver to compose himself.

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

The Chair left the meeting briefly due to personal reasons.

The Sub-Committee Members asked further questions of the Applicant.

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

Resolved:

1. That the licence be revoked with immediate effect.
2. The Driver 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 Driver was served with the decision letter before he left the room.

Reason for Decision

The report 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.

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

The Licensing and Enforcement Manger noted that the Applicant had not attended and she had no proof from Royal Mail that the letter inviting him to the Sub-Committee had been received.

Resolved:

The report would be deferred to the October 2015 meeting of the Licensing Sub-Committee.

Reason for Decision

The report 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 10.05am and closed at 2.45pm

CHAIRMAN _____