

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 5th April 2017

Present: Councillors Smallridge (Chair), Crawforth and Eaton

**In Attendance: Phil Morton, Licensing Manager
Abigail Wrench, Legal Officer
Yasmin Ahmed, Legal Officer
Joanna Griffin, Committee & Member Services Officer
9 applicants/drivers/friends/representatives**

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Cllr Eaton declared an interest in item C7 as the driver was known to him.

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 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 VEHICLE LICENCE FOR AE58 ZYF (C1)

The Chair welcomed the owner to the Sub-Committee.

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

The owner presented his case to the Sub-Committee.

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

The owner and the Licensing 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. The owner was 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.
2. The Sub-Committee were not satisfied that the vehicle's proprietor could maintain the vehicle in a satisfactory condition.
3. The owner 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 THE EXISTING HACKNEY CARRIAGE DRIVER'S LICENSE FOR MR MRA (ITEM C3)

The driver and his wife were in attendance. The Chair welcomed them 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 and Licensing Manager for clarification purposes only.

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

Resolved:

1. That the hackney carriage driver's licence will be suspended for a period of six weeks.
2. The driver was 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 was informed of the reason for the decision and that he would receive written confirmation of the Council's decision.
4. The driver was informed he must surrender his badge to the Licensing Unit by midday on the first day of the suspension period.
5. The drivers badge would be returned at the end of the suspension period.

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.

7. REPORT TO REVIEW FO AN EXISTING HACKNEY CARRIAGE DRIVER FOR MR MA (ITEM C4)

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 and Licensing Manager 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 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 was 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 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 REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR SB (ITEM C5)

The Chair welcomed the driver and his representative.

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

The driver and the driver's representative presented his case to the Sub-Committee.

The Sub-Committee Members asked questions of the driver, his representative and the Licensing Manager for clarification purposes only.

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

Resolved:

1. That the 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 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.

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

The Chair welcomed the driver and his representative.

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

The driver's and the driver's representative presented his case to the Sub-Committee.

The Sub-Committee Members asked questions of the driver, his representative and the Licensing Manager for clarification purposes only.

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

Resolved:

1. No further action taken. The Sub-Committee considers that the driver is 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.

A comfort break was taken.

10. **REPORT TO REVIEW THE EXISTING HACKNEY CARRIAGE DRIVER APPLICATION FOR Mr AA (ITEM C2)**

The driver was not in attendance. It was confirmed that the driver was aware that the Sub-Committee could still deal with the case in his absence. The Licensing

Manager confirmed there was evidence of receipt of the driver's letter by recorded delivery. The Sub-Committee decided to hear the case in the absence of the driver.

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

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

Resolved:

1. That the 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 decision and 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 REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR RAD (ITEM C6)

The driver was not in attendance. It was confirmed that the driver was aware that the Sub-Committee could still deal with the case in his absence. The Licensing Manager confirmed there was evidence of receipt of the driver's letter by recorded delivery. The Sub-Committee decided to hear the case in the absence of the driver.

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

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

Resolved:

1. That the 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 decision and 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.

Cllr Eaton left the room due to previous acknowledgment of declaration of interest on Item C7.

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

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 and Licensing Manager 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 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 decision and 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 commenced at 10.05am and finished at 1.25pm.

CHAIRMAN _____