

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 15th November 2018

Present: Councillors Hughes (Chair), Haworth and Johnson

**In Attendance: Abigail Wrench, Legal Officer
Phil Morton, Public Protection Manager
Jenni Cook, Committee & Member Services Officer
6 drivers/applicants/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.

In the interests of expediency the Chair asked the Public Protection 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 CONSIDER THE REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE FOR EF (ITEM C1)

The Chair welcomed the driver and a friend who acted as a translator to the Sub-Committee.

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

The Sub-Committee Members and Public Protection Manager asked questions of the driver for clarification purposes only.

The driver, the friend and the Public Protection Manager left the room to enable the Sub-Committee to come to a decision.

Resolved:

1. That the licence is 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 would be informed of the Council's reason for the decision in writing.

Note: the driver's new address was noted.

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 RENEWAL OF A HACKNEY CARRIAGE DRIVER'S LICENCE FOR UH (ITEM C2)

The Chair welcomed the driver and a friend to the Sub-Committee.

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

The Sub-Committee Members and Public Protection Manager asked questions of the driver for clarification purposes only.

The driver, the friend and the Public Protection Manager left the room to enable the Sub-Committee to come to a decision.

Resolved:

1. That the Hackney Carriage driver's licence is not renewed under Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976. The 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 within 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.

7. REPORT TO CONSIDER THE RENEWAL OF HACKNEY CARRIAGE DRIVER'S LICENCE FOR JI (ITEM C3)

The Chair welcomed the driver and his wife to the Sub-Committee.

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

The Sub-Committee Members and Public Protection Manager asked questions of the driver for clarification purposes only.

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

Resolved:

1. That the licence would be renewed, however the driver was required to take and pass the DVSA test (or council approved equivalent) and provide evidence of this to the Licensing and Enforcement Unit within a period of 3 months (unless licensee can provide that the appointment could not be obtained). If the driver failed to provide such evidence within 3 months, he would be called back to the Sub-Committee.
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 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 MR ZY (ITEM C5)

The Chair welcomed the driver to the Sub-Committee.

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

The Sub-Committee Members and Public Protection Manager asked questions of the driver for clarification purposes only.

The driver and the Public Protection Manager left the room to enable the Sub-Committee to come to a decision.

Resolved:

1. That the hackney carriage driver's licence would be suspended for a period of 2 weeks.

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 that if he chose to appeal the decision, he could continue to operate as usual until the date of the appeal hearing. If the court refused the appeal, the suspension would take effect following this determination.
4. The driver would be informed that he must surrender his badge to the Licensing Unit by midday on the first day of the suspension period and the badge would be returned to him at the end of the suspension period.
5. 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.

9. REPORT TO CONSIDER THE REVIEW OF PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE LICENCES – MR MAW

The Sub-Committee agreed to hear the item in the absence of the proprietor.

The Public Protection Manager presented the report and detailed the circumstances that had brought the proprietor before the Sub-Committee.

The driver and the Public Protection Manager left the room to enable the Sub-Committee to come to a decision

RESOLVED:

1. That the licences noted in the report are revoked under Section 60 subsection (1) subsection (c) of the Local Government Miscellaneous Provisions Act 1976.
2. The proprietor 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 proprietor would be informed of the reason for the decision and would receive written confirmation of the Council's decision.

The meeting concluded at 11.40am.

CHAIRMAN

DATE
