

**MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)**

**Date of Meeting: 4<sup>th</sup> June 2015**

**Present: Councillors Crawforth (Chair) De Souza and Shipley**

**In Attendance: Richard Bingham, Legal Advisor  
Tracy Brzozowski, Licensing & Enforcement Manager  
Jenni Cook, Committee Officer  
Abigail Wrench, Trainee Solicitor  
Danny Dobson, Licensing Officer (Item C1 only)  
Councillor Haworth  
9 applicants/representatives/family members**

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The Chair noted that Councillor Haworth would be observing the Sub-Committee and would not take part in any decisions.

### **BUSINESS MATTERS**

**1. APOLOGIES FOR ABSENCE**

There were no apologies submitted.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. URGENT ITEMS**

There were no urgent items of business.

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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.

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**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 DETERMINE AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR MH (Item C1)**

A witness was escorted into the meeting by the Licensing Officer.

The Chair welcomed the Driver, his legal representative and a witness to the meeting.

The Chair of the Committee noted that these were not criminal proceedings, no cross-examination was permitted and the questions should be put through the Chair of the Committee.

The Licensing and Enforcement Manager presented the report detailing the circumstances which had brought the Driver before the Licensing Sub-Committee and noted that this had been deferred from the Sub-Committee on 21st April 2015 in order to allow the Driver's representatives to prepare for the meeting.

Reference was made to an interview under caution which the Driver's representative had listened to.

The Driver's legal representative requested permission to cross-examine the witness. The Chair sought legal advice and discussed the matter with the Sub-Committee members. It was agreed that questions could be asked after the Sub-Committee had asked their questions, as long as these were new questions and did not repeat what the Sub-Committee had already asked.

The witness referred to her statement made to the Licensing Officer and confirmed it was a full account of everything that had happened that evening.

The Sub-Committee asked questions of the witness. The Driver's legal representative was allowed to ask questions of the witness, however the legal advisor subsequently advised the Chair that the type and style questioning was inappropriate and against the usual committee procedures. The Chair then brought this to a close.

The Driver and his legal representative presented their 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 Applicant, his legal representative, the witness, Councillor Haworth and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to determine the application.

**Resolved:**

That no further action be taken. The Driver was considered 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 including the testimony of a witness.

**6. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR AA (Item C3)**

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Manager 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 Manager for clarification purposes only.

The Applicant, Councillor Haworth and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to determine the application.

**Resolved:**

That the Licence be approved. 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 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 HAI (Item C4)**

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Manager 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 Manager for clarification purposes only.

The Applicant, Councillor Haworth and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to determine the application.

**Resolved:**

1. That the licence be 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 Committee took into account all the relevant information put before them.

**8. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – Mr RK (Item C5)**

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Manager 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 Manager for clarification purposes only.

The Applicant, Councillor Haworth and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to determine the application.

**Resolved:**

1. That the licence be 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.

**Note: a short comfort break was held 11.45-11.50am.**

**9. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – Mr BM (Item C6)**

The Chair welcomed the Applicant and his neighbour (who would be acting as the Applicant's translator) to the meeting.

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

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

The Sub-Committee Members asked questions of the Applicant and the Licensing and Enforcement Manager for clarification purposes only. The Applicant's neighbour provided translation where necessary.

The Applicant, his neighbour, Councillor Haworth and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to determine the application.

**Resolved:**

1. That the licence be refused. The Sub-Committee did not consider the Applicant 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.

**10. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR MRM (Item C7)**

The Chair welcomed the Applicant and his wife (who would be acting as his translator) to the meeting.

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

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

The Sub-Committee Members asked questions of the Applicant and the Licensing and Enforcement Manager for clarification purposes only. The Applicant's wife provided translation where necessary.

The Applicant, his wife, Councillor Haworth and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to determine the application.

**Resolved:**

1. That the licence be 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.

**11. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – Mr SP (Item C8)**

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

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

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

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

The Applicant, his solicitor, Councillor Haworth and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to determine the application.

**Resolved:**

1. That the licence be 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.

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

The Chair welcomed the Driver to the meeting.

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

The Driver spoke in favour of the case.

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

The Driver, Councillor Haworth and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to determine the application.

#### **Resolved:**

1. That the licence be revoked. 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 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 EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR SA (Item C2)**

The Driver had not attended the Sub-Committee. The Licensing and Enforcement Manager notified Members that the Driver had contacted Committee and Member Services to state that he was not in the Country. However, someone with the same or similar name had signed for the letter from the Licensing Unit.

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

Councillor Haworth and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to determine the application.

**Resolved:**

1. That the licence be revoked. 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 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.
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.

**The meeting commenced at 10am and closed at 1.25pm**

CHAIRMAN

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