

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 12th March 2015

Present: Councillors Crawforth, Cheetham and Gill (Chair)

**In Attendance: Richard Bingham, Legal Advisor
Tracy Brzozowski, Licensing & Enforcement Manager
Michelle Hargreaves, Committee & Member Services
Officer
8 applicants
3 members of the public/representatives**

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.

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 IA (Item C1)

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's 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, 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 under s.61 of the Local Government (Miscellaneous Provisions) Act 1976. The Committee did not consider the applicant to be a fit and proper person to hold a hackney carriage drivers licence.
2. That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

The existing licence 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 MA (Item C2)

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 for clarification purposes only.

The Applicant and the Licensing and Enforcement Manager left the room to enable the 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 above mentioned 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 SA (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 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 above mentioned decision letter.

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.

8. REPORT TO DETERMINE AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR FA (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 and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the licence be suspended until a DSA Test has been taken and passed and written evidence of this be provided to the Licensing and Enforcement Unit.
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 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.

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

The Chair welcomed the Applicant and the Applicant's Representative to the meeting.

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

The Applicant and the Applicant's Representative 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, the Applicant's Representative and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the licence be granted. The Sub-Committee considered the Applicant 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.

10. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – Mr SqM (Item C8)

The Chair welcomed the Applicant and the Applicant's Representative to the meeting.

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

The Applicant and the Applicant's Representative 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, the Applicant's Representative and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to determine the application.

Resolved:

2. That the licence be renewed. The Sub-Committee considered the Applicant 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 DG (Item C5)

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 Sub-Committee.

The Driver 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 Driver 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 above mentioned decision letter.

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 CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – Mr YJH (Item C7)

The Chair welcomed the Applicant and the Applicant's Representative to the meeting.

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

The Applicant's Representative 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, the Applicant's Representative and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to determine the application.

Resolved:

4. 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.
5. 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.
6. The Applicant was served with the above mentioned decision letter.

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 ShM (Item C9)

The Licensing and Enforcement Manager informed the sub-committee that the applicant had not received the letter inviting him to the sub-committee meeting and it was for the committee's decision whether to hear the item in the applicant's absence or whether to defer the item to the next committee hearing.

Resolved:

That the item be deferred to the next meeting to give the applicant the opportunity to receive the invite to the meeting.

The meeting commenced at 10.00am and closed at 12.35pm

CHAIRMAN

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 15th April 2015

Present: Councillors Ashworth, Crawforth (Chair) and De Souza

**In Attendance: Clare Birtwistle, Legal Services Manager
Tracy Brzozowski, Licensing & Enforcement Manager
Jenni Cook, Committee Officer
Abigail Wrench, Trainee Solicitor
9 applicants/representatives**

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.

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

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

Resolved:

That no action be taken. The Sub-Committee considered that driver to be a fit and proper person to hold a hackney carriage drivers licence.

The Chair reminded the driver that he was the responsible person within the car and to not allow pressure passengers to affect him.

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 AMB (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 Licensing and Enforcement Manager for clarification purposes only.

The Applicant and the Licensing and Enforcement Manager left the room to enable the 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.

7. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR AM (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 and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to determine the application.

Resolved:

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

8. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR MAM (Item C5)

Prior to consideration of this item, the Sub-Committee took a short recess to read a letter provided by the Applicant.

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 and presented the Sub-Committee with a copy of his record of achievement and a further reference.

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

The Applicant 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.

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

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

Resolved:

That the licence be granted, the Sub-Committee considered the Applicant 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.

10. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – Mr IAO (Item C7)

The Chair welcomed the Applicant and his representative 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 Applicant's representative made a statement in support of the Applicant.

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

The Applicant, his representative 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 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.

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

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 and Enforcement Manager for clarification purposes only.

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

Resolved:

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

12. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – Mr NA (Item C2)

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 and Enforcement Manager for clarification purposes only.

The Applicant 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 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.
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 1.05pm

CHAIRMAN

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 21st April 2015

Present: Councillors De Souza, Gill (Chair) and Hughes

**In Attendance: Richard Bingham, Legal Advisor
Tracy Brzozowski, Licensing & Enforcement Manager
Jenni Cook, Committee Officer
Abigail Wrench, Trainee Solicitor
9 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

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 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 DETERMINE AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR SNBP (Item C2)

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 and Enforcement Manager for clarification purposes only.

The Applicant, 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 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 MF (Item C3)

The Chair welcomed the Applicant and his family members 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 and Enforcement Manager for clarification purposes only.

The Applicant, his family members and the Licensing and Enforcement Manager left the room to enable the 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.

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

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

The Licensing and Enforcement Manager stated that if members were minded to grant the licence then a new, more up-to-date photograph would be required/

Note: at this point in the meeting (10.45am) the fire alarm sounded and all present left the building, returning at 10.55am.

Upon recommencement of the meeting, the Sub-Committee Members asked questions of the Applicant, his legal representative and the Licensing Manager for clarification purposes only.

The Applicant, his legal representative 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.

8. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR AG (Item C5)

The Chair welcomed the Applicant and his friend 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 friend 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, his friend 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.

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

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 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.

10. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – Mr WR (Item C8)

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

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

The Applicant, his representative 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 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.

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

The Sub-Committee decided to determine Item C8 in the absence of the applicant.

The Sub-Committee considered the report detailing the application for a hackney carriage driver's licence.

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 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.
3. The Applicant's decision letter would be posted out that day.

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. DETERMINATION OF AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – Mr MH (Item C1)

The Chair noted that the Driver's legal representative had requested that this application be deferred to a future meeting of the Licensing Sub-Committee.

Resolved:

1. That the application be brought before the next meeting of the Licensing Sub-Committee which would take place on 4th June 2015.

Reason for Decision

To allow the Applicant's advisor time to consider the report'

The meeting commenced at 10am and closed at 1.05pm

CHAIRMAN

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 22nd April 2015

Present: Councillors Crawforth, De Souza and Gill (Chair)

**In Attendance: Clare Birtwistle, Legal Services Manager
Tracy Brzozowski, Licensing & Enforcement Manager
Carolyn Sharples, Committee and Member Services
Manager
Abigail Wrench, Trainee Solicitor
9 applicants/representatives**

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 two urgent items of business which the Chair agreed to add to the agenda and take as items C6 and C7.

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 DETERMINE AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR AA (Item C1)

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 and Enforcement Manager for clarification purposes only.

The Applicant 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 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 MC (Item C2)

The Chair welcomed the Applicant and his representative 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 representative 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, his representative and the Licensing and Enforcement Manager left the room to enable the 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.

7. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR RAD (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 and Enforcement Manager for clarification purposes only.

The Applicant and the Licensing and Enforcement Manager left the room to enable the Committee to determine the application.

Resolved:

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

8. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR QH (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 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.

9. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – Mr UK (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 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.

10. DETERMINATION OF AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE AND AN APPLICATION FOR RENEWAL OF THE HACKNEY CARRIAGE DRIVERS LICENCE – Mr AM (Item C6)

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

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

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

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

The Applicant, his legal representative and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to determine the existing licence and renewal application.

Resolved:

1. That the current licence be revoked with immediate effect under s61 2(2B) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended by s52 of the Road Safety Act 2006) in the interest of public safety, and that the renewal application 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 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.

11. DETERMINATION OF AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE AND HACKNEY CARRIAGE VEHICLE LICENCE – MR AI (Item C7)

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Manager presented the report detailing information relating to the current Hackney Carriage Drivers Licence and Hackney Carriage Vehicle Proprietors 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 and the Licensing and Enforcement Manager left the room to enable the Sub-Committee to determine the current drivers licence and vehicle proprietor licence.

Resolved:

1. That no further action be taken. The Sub-Committee considered the Applicant to be a fit and proper person to hold a hackney carriage drivers licence.

The Chair asked the Driver to keep in touch with the Licensing Department to keep them updated in relation to the current investigation and the outcome. The Chair also reminded the Driver that they could only pick up pre-booked passengers.

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 1.00pm

CHAIRMAN

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 4th 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**

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.

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 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

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 17th 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
12 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

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 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 DETERMINE AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR IA (Item C1)

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

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

The Applicant and his legal representative presented his case to the Sub-Committee.

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

The Applicant, his legal representative and the Licensing and Enforcement Manager 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.

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 MH (Item C3)

The Chair welcomed the Applicant, his friend and his legal representative to the meeting.

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

The Applicant and his legal representative presented his case to the Sub-Committee.

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

The Applicant, his friend and his legal representative and the Licensing and Enforcement Manager 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.

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.

7. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – Mr JI (Item C4)

The Chair welcomed the Applicant and his friend, who would provide translation where required, 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, his friend and the Licensing and Enforcement Manager for clarification purposes only.

The Applicant, his friend and the Licensing and Enforcement Manager 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.

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.

8. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR SAM (Item C6)

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 and Enforcement Manager 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.

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 MM (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 and drew Members' attention to further information received from Advanced Check regarding additional motoring convictions.

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 and Enforcement Manager 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.

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 Chair agreed to hold a short comfort break at this point in proceedings.

10. REPORT TO DETERMINE AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR JN (Item C8)

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 and drew Members' attention to additional information received from Bury, Salford and Blackburn Councils.

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 and Enforcement Manager 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.

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 CMH (Item C2)

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

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

The Applicant and his wife presented his case to the Sub-Committee.

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

The Applicant, his wife and the Licensing and Enforcement Manager 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.

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 CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – Mr MK (Item C5)

The Licensing and Enforcement Manager noted that Licensing Officers had spoken to the applicant on 15th June 2015 and he had not indicated that he did not intend to be present.

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

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

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 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 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 1.05pm

CHAIRMAN

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 6th July 2015

Present: Councillors Crawforth (Chair) De Souza and Haworth

**In Attendance: Abigail Wrench, Trainee Solicitor
Richard Bingham, Legal Advisor
Tracy Brzozowski, Licensing & Enforcement Manager
Jenni Cook, Committee Officer
10 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

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 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 DETERMINE AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR AA (Item C1)

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

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

The Applicant and his wife presented his case to the Sub-Committee.

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

The Applicant, his wife and the Licensing and Enforcement Manager 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 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 AFB (Item C2)

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

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

The Applicant and his legal representative presented his case to the Sub-Committee.

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

The Applicant, his legal representative and the Licensing and Enforcement Manager 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 their decision letter before they 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.

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

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, his friend and the Licensing and Enforcement Manager for clarification purposes only.

The Applicant, his friend and the Licensing and Enforcement Manager 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 their decision letter before they left the room.

The Licensing and Enforcement Manager clarified that the application fees would not be refunded.

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:

At this point in the proceedings the Chair agreed to a short comfort break.

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

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

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

The Applicant and his legal representative presented his case to the Sub-Committee.

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

The Applicant, his legal representative and the Licensing and Enforcement Manager 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 their decision letter before they 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 MMI (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 and 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 and Enforcement Manager 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 Sub-Committee took into account all the relevant information put before them.

10. REPORT TO DETERMINE AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR DKM (Item C6)

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 and Enforcement Manager 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 their decision letter before they 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 SUR (Item C8)

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, his friend and the Licensing and Enforcement Manager for clarification purposes only.

The Applicant, his friend and the Licensing and Enforcement Manager 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 Sub-Committee took into account all the relevant information put before them.

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

The Licensing and Enforcement Manager noted that the applicant was not present. The Applicant had signed for his notification letter on 20th June 2015. He had contacted Committee Services to state that he would not be in the country on 6th July 2015.

The Sub-Committee determined to hear the item in the applicant's absence.

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

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 would be informed of the decision and their right of appeal via normal post and recorded delivery.

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 12.45pm

CHAIRMAN _____

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 23rd July 2015

Present: Councillors Lamb (Chair) Farrington and Haworth

**In Attendance: Abigail Wrench, Trainee Solicitor
Tracy Brzozowski, Licensing & Enforcement Manager
Carolyn Sharples, Committee and Member Services Manager
Mr Martino Deplacido, Leeds City Council
8 applicants/representatives/family members**

BUSINESS MATTERS

1. APPOINTMENT OF CHAIR

Resolved:

That Councillor Lamb be appointed the Chair of the meeting.

2. APOLOGIES FOR ABSENCE

Apologies for absence had been submitted from the Licensing Committee Chair, Councillor Crawforth. Councillor Lamb was substituting and acting as Chair for this meeting.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. 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 Manager to outline to all persons present the relevant information which applied to all confidential applications.

5. 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.

6. REPORT TO DETERMINE AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR MK (Item C1)

The Licensing and Enforcement Manager noted that Licensing Officers had contacted the Applicant in June to advise of the committee date. The Applicant had asked for the hearing to be moved as he was thinking of going on holiday. The Applicant then spoke to Licensing

Officers on 3rd July to confirm he would be attending the meeting and to confirm the start time. On Tuesday 21st July the Applicant contacted the Licensing Team again to inform that his representative was not available to attend and to request the hearing be moved to September. The Applicant was informed that it would be for the committee to decide whether to hear the application or whether to defer it to the September committee.

The Applicant was not in attendance at the meeting, however, a witness from Leeds City Council attended to present evidence to the committee.

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

The Chair welcomed Mr Martino Deplacedo from Leeds City Council to the meeting.

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

Mr Deplacedo addressed the Sub-Committee.

Mr Deplacedo and the Licensing and Enforcement Manager 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 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 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.

7. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE/APPLICATION FOR RENEWAL – MR MA (Item C2)

The Chair welcomed the Driver to the meeting.

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

The Driver presented his case to the Sub-Committee.

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

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

Resolved:

1. That no further action be taken until the outcome of the hearing on 15th September 2015. The Committee considered that the applicant is a fit and proper person to hold a

Hackney Carriage Driver's Licence and that the licence would be renewed pending the outcome of the hearing at which stage he may be brought back before the 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 Committee took into account all the relevant information put before them.

8. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR KA (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 and Licensing and Enforcement Manager asked questions of the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Manager 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 their decision letter before they 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 EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – Mr JH (Item C5)

The Chair welcomed the Driver to the meeting.

The Driver informed that his representative was unable to attend the meeting and requested that the hearing be adjourned to the next meeting. The Licensing and Enforcement Manager informed that the Driver had been operating illegally in another authority area and had not notified the Council of the offense and that it would be for Sub-Committee Members to determine whether to hear the application or whether to defer it to the September committee.

The Sub-Committee agreed to continue and hear the item.

The Licensing and Enforcement Manager presented the report detailing the current hackney carriage drivers licence.

The Driver presented his case to the Sub-Committee.

The Sub-Committee Members asked questions of the Driver for clarification purposes only.

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

Resolved:

1. That the licence is revoked under s.61 of the Local Government (Miscellaneous Provisions) Act 1976. The Committee considered that the applicant is no longer a fit and proper person to hold a Hackney Carriage Driver's 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 Driver was served with their decision letter before they 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 MAM (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 for clarification purposes only.

The Licensing and Enforcement Manager clarified the relevant conviction categories for Sub-Committee Members.

The Applicant and the Licensing and Enforcement Manager 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 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 MS (Item C8)

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 and drew Members' attention to the other relevant information disclosed at the Chief Police Officer's discretion.

The Applicant presented his case to the Sub-Committee.

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

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

Resolved:

1. That the Application 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 their decision letter before they 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/APPLICATION FOR RENEWAL – MR FAM (Item C6)

The Chair welcomed the Driver to the meeting.

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

The Driver presented his case to the Sub-Committee.

The Sub-Committee Members asked questions of the Driver for clarification purposes only.

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

Resolved:

1. That no further action be taken. The Committee considered that the Driver is a fit and proper person to hold a Hackney Carriage Driver's Licence and that the licence would be renewed.

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 EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR SA (Item C3)

The Licensing and Enforcement Manager noted that a letter had been sent to the Driver notifying him of the meeting on 14th July 2015. A note had been left at his current address informing that the letter needed to be signed for at the post office. As at 23rd July the letter remained uncollected, therefore it was for the committee to determine whether to continue with the hearing in the Driver's absence.

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

The Licensing and Enforcement Manager presented the report detailing the current hackney carriage drivers licence.

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

Resolved:

1. That the licence be revoked under s.61 of the Local Government (Miscellaneous Provisions) Act 1976. The Committee considered that the applicant is no longer a fit and proper person to hold a Hackney Carriage Driver's 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 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 10.20am and closed at 1.50pm

CHAIRMAN _____

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 29th July 2015

Present: Councillors Crawforth (Chair) De Souza and Eaton

**In Attendance: Abigail Wrench, Trainee Solicitor
Tracy Brzozowski, Licensing & Enforcement Manager
Jenni Cook, Committee Officer
John Farrow, Taxi Receptionist
13 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

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 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 APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR MA (Item C1)

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 their decision letter before they left the room.

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 KH (Item C2)

The Chair welcomed the Applicant and his friend who acted as his interpreter 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, his friend 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 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 their decision letter before they 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.

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

The Chair welcomed the Applicant and his family 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, his family 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.

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.

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

The Chair welcomed the Applicant and his daughter who acted as his representative to the meeting.

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

The Applicant and representative presented his case to the Sub-Committee.

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

The Applicant, his representative 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.

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 DETERMINE AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR RM (Item C6)

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

The Chair reminded the Applicant of the importance of ensuring all paperwork was correct in future.

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 SM (Item C7)

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

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

The Applicant and his partner 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 partner 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.

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 TM (Item C8)

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.

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 CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – Mr TH (Item C5)

The Licensing and Enforcement Manager noted that the Applicant had been unable to take time off work to attend the Sub-Committee and an email was presented as evidence of this.

The Sub-Committee resolved to determine the matter in the Applicant's absence.

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

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 would be notified in writing 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 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 1.10pm

CHAIRMAN _____

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 _____