

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

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

**Present: Councillors De Souza (Vice Chair), Eaton and Procter**

**In Attendance: Tracy Brzozowski, Licensing & Enforcement Manager  
Abigail Wrench, Trainee Solicitor  
Nigel Yates, Licensing Enforcement Officer  
Jenni Cook, Committee Officer  
11 applicants/representatives/family members/witnesses**

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## **BUSINESS MATTERS**

### **1. APOLOGIES FOR ABSENCE**

Apologies were submitted by Councillor Crawforth (Councillor Procter substituting) and Councillor Cheetham (Councillor Eaton substituting).

### **2. DECLARATIONS OF INTEREST**

Councillor Eaton declared a personal interest in Item C1 as he knew the applicant. The Sub-Committee was quorate with two members.

### **3. URGENT ITEMS**

There were no urgent items.

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In the interests of expediency and due to the number of items on the agenda, the Chair asked the Licensing and Enforcement Manager to outline to all persons present the relevant information which applied to all confidential applications.

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### **4. EXCLUSION OF PUBLIC AND PRESS**

#### **Resolved:**

That the public and press be excluded from the following items of business under Section 100(A)(4) of the Local Government Act 1972 since they involve the disclosure of exempt information under Paragraph 1 of Schedule 12A of the Act.

***Councillor Eaton left the room for Item C1***

### **5. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR NPF (Item C1)**

The Chair welcomed the Driver and his representatives to the meeting and asked the witnesses to introduce themselves.

The Licensing and Enforcement Manager presented the report which detailed two complaints received against the Driver, which had brought the Driver before the

Licensing Sub-Committee. The Licensing and Enforcement Manager noted that the Driver had not been charged with any criminal offences.

The witnesses gave their accounts to the Licensing Sub-Committee and the Driver's representative was permitted to ask questions through the Chair. The witnesses also answered questions from the Licensing Sub-Committee.

The Driver and his representative 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 Licensing and Enforcement Manager reminded the Driver to address the Sub-Committee Members and to consider his conduct when addressing them.

The Driver, his representatives, the witnesses and the Licensing Officers left the room to enable the Sub-Committee to determine the application.

**Resolved:**

1. That the Licence was suspended for a period of 4 months.
2. The Driver was informed of his right of appeal within 21 days from receipt of notification of the decision. The suspension would take effect after the 21 day appeal period.
3. The Driver was informed that should he choose to appeal the decision he could continue to operate as usual until the date of the appeal hearing. If the Court refuses the appeal then the suspension would take effect following this determination.
4. On suspension of the licence, the driver must surrender his badge to the Licensing Unit by midday on the first day of the suspension period.
5. The Driver's badge would be returned to him at the end of the suspension period.
6. The Driver was served with the decision letter before he left the Council's premises.

**Reason for Decision**

The report had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions, Byelaws relating to Hackney Carriages and the Sub-Committee took into account all the relevant information put before them.

***Councillor Eaton re-entered the meeting.***

**6. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR AF (Item C2)**

The Chair welcomed the Driver, his representative and his family member to the meeting.

The Licensing and Enforcement Manager presented the report which detailed the complaints received against the Driver which had brought the Driver before the Licensing Sub-Committee.

The Driver and his representative 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, his representative, his family member and the Licensing Officers left the room to enable the Sub-Committee to determine the application.

**Resolved:**

1. That the Licence was revoked under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976. The Sub-Committee did not consider Mr AF to be a fit and proper person to hold a hackney carriage drivers licence.
2. Mr AF was notified of his right of appeal before the magistrates court which must be exercised within 21 days of service of the decision letter upon him.
3. Mr AF 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, Byelaws relating to Hackney Carriages, and the Sub-Committee took into account all the relevant information put before them.

**Note: The Applicant listed at C3 on the agenda was not present and this item was moved to the end of the agenda.**

**7. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR MK (Item C4)**

The Chair welcomed the Driver to the meeting.

The Licensing and Enforcement Manager presented the report which detailed the circumstances which had brought the Driver before the Licensing 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:**

1. That no 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, 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 SM (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.

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

The Chair welcomed the Applicant and his son 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 Applicant's son provided clarification where necessary.

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

The Applicant, his son 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.

***Councillor Eaton left the meeting. The Sub-Committee was quorate with two members.***

## **11. REPORT TO DETERMINE AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR AS (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 granted. The Sub-Committee considered the Applicant to be a fit and proper person to hold a hackney carriage drivers licence.

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

The Licensing and Enforcement Manager confirmed to Members that the correspondence informing the Applicant of his appointment with the Sub-Committee had received, with proof from Royal Mail available in the Applicant's file.

**Resolved:**

That the item be determined in the Applicant's absence.

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

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 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 would be notified of the decision in writing.

**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 10.25am and closed at 14.40pm**

CHAIRMAN \_\_\_\_\_