

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 28th January 2016

Present: Councillors Crawforth (in the Chair), De Souza and Haworth

**In Attendance: Susan Chadwick, Licensing and Compliance Officer
Richard Bingham, Legal Officer
Jenni Cook, Committee Officer
13 applicants/friends/representatives**

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

There were no apologies for absence from the Sub-Committee; all members were present.

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 Compliance Officer 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 VA (Item C1)

The Chair welcomed the Applicant and his Representative to the Sub-Committee.

The Licensing and Compliance Officer presented the report detailing the proposed application for a hackney carriage driver's licence.

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

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

The Applicant, his Representative and the Licensing and Compliance Officer 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 his 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, Byelaws relating to Hackney Carriages, and the Sub-Committee took into account all the relevant information put before them.

6. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR MJH (Item C3)C3

The Chair welcomed the Driver and his Wife to the Sub-Committee.

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

The Driver and his Wife presented his case to the Sub-Committee.

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

The Driver and the Licensing and Compliance Officer left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the Driver was required to take and pass the DVSA test and provide evidence of this to Licensing and Enforcement Unit within a period of three months (unless the Licensee provides evidence that an appointment cannot be obtained). If the Licensee fails to provide such evidence within three months, they shall be called back to the Council's Licensing Committee.
2. The Driver was notified of his 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, Byelaws relating to Hackney Carriages, and the Sub-Committee took into account all the relevant information put before them.

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

The Chair welcomed the Driver, his Representative and his Wife to the Sub-Committee.

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

The Driver and his Representative presented his case to the Sub-Committee and requested that the report be deferred..

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

The Driver, his Representative, his Wife and the Licensing and Compliance Officer left the room to enable the Sub-Committee to determine the application.

Resolved:

That the report would be deferred to a future meeting of the Licensing Sub-Committee.

The Driver was asked to keep the Licensing Unit informed.

Reason for Decision

The matter was deferred pending receipt of further information in respect of a driving conviction.

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

The Chair welcomed the Applicant and his friend to the Sub-Committee.

The Licensing and Compliance Officer presented the report detailing the 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 Compliance Officer for clarification purposes only.

The Applicant and the Licensing and Compliance Officer 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 his 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, Byelaws relating to Hackney Carriages, 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 BRM (Item C6)

The Chair welcomed the Applicant to the Sub-Committee.

The Licensing and Compliance Officer presented the report detailing the 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 Compliance Officer for clarification purposes only.

The Applicant and the Licensing and Compliance Officer left the room to enable the Sub-Committee to determine the application.

Resolved:

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, Byelaws relating to Hackney Carriages, 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 MEU (Item C7)

The Chair welcomed the Applicant to the Sub-Committee.

The Licensing and Compliance Officer presented the report detailing the 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 Compliance Officer for clarification purposes only.

The Applicant and the Licensing and Compliance Officer 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 his 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 Chair allowed a short comfort break.

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

The Chair welcomed the Driver and his Representative to the Sub-Committee.

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

The Driver and his Representative presented his case to the Sub-Committee and requested that the report be deferred, pending the outcome of an appeal which had been lodged against the driving conviction.

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

The Driver and his Representative and the Licensing and Compliance Officer left the room to enable the Sub-Committee to determine the application.

Resolved:

That no further action is 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, Byelaws relating to Hackney Carriages, 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 MSA (Item C2)

The Applicant was not present at the Sub-Committee.

The Licensing and Compliance Officer confirmed that the letter informing the Applicant of the Sub-Committee date had been signed for and showed the Sub-Committee the Royal Mail proof of signature/name. The Committee Officer confirmed that she had contacted the Committee Services Office during the comfort break, and no message had been received regarding attendance.

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

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

The Licensing Enforcement Officer 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 his 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 advised of the decision and his right of appeal via a letter which would be sent out via 1st class 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 12.35pm

CHAIRMAN _____