

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 17th August 2016

Present: Councillors Smallridge (in the Chair), M. Smith (Chair for minute 5. Item C1) and Haworth

**In Attendance: Nigel Yates, Licensing Enforcement Officer
Clare Birtwistle, Legal Services Manager
Carolyn Sharples, Committee and Member Services
Manager
9 applicants/friends/representatives**

BUSINESS MATTERS

1. APPOINTMENT OF CHAIR

Resolved:

That Councillor Smith be appointed Chair until Councillor Smallridge arrived.

2. APOLOGIES FOR ABSENCE

Apologies for absence were submitted for Councillor Smallridge who was going to be late.

3. DECLARATIONS OF INTEREST

No interests were declared.

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 Enforcement Officer 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 CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE AND HACKNEY CARRIAGE VEHICLE LICENCE – MR AF (Item C1)

The Chair welcomed the Driver to the Sub-Committee.

The Licensing Enforcement Officer presented the report detailing the circumstances which had brought the Driver before the Sub-Committee. It was noted that as a result of the information presented, it was now necessary to consider the driver's hackney carriage vehicle licence as well.

The Driver presented his case to the Sub-Committee.

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

The Licensing Enforcement Officer presented the report detailing the circumstances of his existing hackney carriage vehicle.

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

The Driver and the Licensing Enforcement Officer left the room to enable the Sub-Committee to determine the applications.

Resolved:

1. That the licence be revoked under Section 61(1) of the Local Government Miscellaneous Provisions Act 1976. The Committee did not consider Mr AF to be a fit and proper person to hold a Hackney Carriage Drivers Licence.
2. That the vehicle licence be revoked under Section 60(1) of the Local Government Miscellaneous Provisions Act 1976.
3. Mr AF was informed of his right of appeal to the Magistrates Court which must be exercised within 21 days of receipt of notification of the decision.
4. Mr AF was informed of the reasons for the decision and that he would receive written notification of the decision.

Reason for Decision

The matter 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.

N.B. Councillor Smallridge entered the meeting and chaired the meeting from this point.

7. **REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE AND EXISTING HACKNEY CARRIAGE VEHICLE LICENCE– MR MH (Item C2)**

The Chair welcomed the Driver, his wife and his representative to the Sub-Committee.

The Licensing Enforcement Officer presented the report and detailed the circumstances which had brought the Driver before the Sub-Committee. It was noted that as a result of the information presented, it was now necessary to consider the driver's hackney carriage vehicle licence as well.

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

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

The Driver, his wife, the Driver's representative and the Licensing Enforcement Officer left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the licence be revoked under Section 61(1) of the Local Government Miscellaneous Provisions Act 1976. The Committee did not consider Mr MH to be a fit and proper person to hold a hackney carriage drivers licence.
2. That the vehicle licence be renewed, but suspended under Section 60(1) of the Local Government Miscellaneous Provisions Act 1976, until the production of an appropriate insurance certificate is received.
3. Mr MH was informed of his right of appeal to the Magistrates Court which must be exercised within 21 days of receipt of notification of the decision.
4. Mr MH was informed of the reasons for the decision and that he would receive written notification of the decision.

Reason for Decision

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

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

The Licensing and Compliance Officer advised the Sub-Committee that the Applicant was not present and had requested a deferral owing to a family bereavement.

Resolved:

That the Application be deferred to a future Sub-Committee.

Reason for Decision

In the interests of fairness.

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

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

The Licensing Enforcement Officer then presented the report and detailed the circumstances which had brought the Driver before the Sub-Committee.

The Licensing Enforcement Officer issued Mr JI with a formal caution. Mr JI confirmed his understanding of the caution.

The Driver's representative presented his case to the Sub-Committee.

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

The Driver, the Driver's representative and the Licensing Enforcement Officer left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the licence be revoked under Section 61(1) of the Local Government Miscellaneous Provisions Act 1976. The Committee did not consider Mr JI to be a fit and proper person to hold a hackney carriage drivers licence.
2. Mr JI was informed of his right of appeal to the Magistrates Court which must be exercised within 21 days of receipt of notification of the decision.
3. Mr JI was informed of the reasons for the decision and that he would receive written notification of the decision.

Reason for Decision

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

10. REPORT TO CONSIDER AN APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE – MR MSK (Item C5)

The Chair welcomed the Applicant to the Sub-Committee.

The Licensing Enforcement Officer presented the report and detailed the application for a private hire 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 Applicant and the Licensing Enforcement Officer left the room to enable the Sub-Committee to determine the application.

Resolved:

That the Application be deferred to a future Sub-Committee.

Reason for Decision

In the interests of fairness.

11. REPORT TO CONSIDER AN EXISTING HACKNEY CARRIAGE DRIVERS LICENCE – MR SHW (Item C6)

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

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

The Driver's relative presented his case to the Sub-Committee.

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

The Driver, the Driver's relative and the Licensing Enforcement Officer left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the licence be revoked under Section 61(1) of the Local Government Miscellaneous Provisions Act 1976. The Committee did not consider Mr SHW to be a fit and proper person to hold a hackney carriage drivers licence.
2. Mr SHW was informed of his right of appeal to the Magistrates Court which must be exercised within 21 days of receipt of notification of the decision.
3. Mr SHW was informed of the reasons for the decision and that he would receive written notification of the decision.

Reason for Decision

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

The meeting commenced at 10am and closed at 1.40pm

CHAIRMAN _____