

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 16th February 2017

Present: Councillors Smallridge (Chair), Crawforth and Haworth

**In Attendance: Phil Morton, Licensing Manager
Abigail Wrench, Trainee Solicitor
Glenda Ashton, Committee & Member Services Officer
Nathan Howson, Licensing Officer
8 witnesses/applicants/drivers/friends/representatives**

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

No interests were declared.

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 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 involved the disclosure of exempt information under Paragraph 1 of Schedule 12A of the Act.

5. REPORT TO REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE – MR AJC (ITEM C1)

The Chair welcomed the witness to the Sub-Committee.

The Licensing Manager outlined details from the report to the Sub-Committee.

The witness presented their evidence to the Sub-Committee in the absence of the driver.

The Sub-Committee Members and Licensing Manager asked questions of the witness for clarification purposes. The witness then left the room.

The Chair welcomed the driver to the Sub-Committee. A solicitor's letter was handed to the members.

The Licensing Manager presented the report and detailed the circumstances which had brought the driver before the Sub-Committee.

The driver presented his case to the Sub-Committee.

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

The driver and the Licensing Manager left the room to enable the Sub-Committee to come to a decision.

Resolved:

1. That the licence be revoked with immediate effect under Section 61(1) of the Local Government Miscellaneous Provisions Act 1976. The Sub-Committee did not consider Mr AJC to be a fit and proper person to hold a Hackney Carriage driver's licence.
2. Mr AJC was informed of his right of appeal to the Magistrates' Court which must be exercised with 21 days of service of the decision letter upon him.
3. Mr AJC was informed of the reason for the decision and that he would receive written confirmation of the Council's 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.

6. REPORT TO REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR EO (ITEM C5)

The Chair welcomed the driver to the Sub-Committee.

The Licensing Manager presented the report and detailed the circumstances which 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 for clarification purposes only.

The driver and the Licensing Manager left the room to enable the Sub-Committee to come to a decision.

Resolved:

1. That the licence be revoked under Section 61(1) of the Local Government Miscellaneous Provisions Act 1976. The Sub-Committee did not consider the Mr EO a fit and proper person to hold a Hackney Carriage driver's licence.

2. Mr EO was informed of his right of appeal to the Magistrates' Court which must be exercised with 21 days of service of the decision letter upon him.
3. Mr EO was informed of the reason for the decision and that he would receive written confirmation of the Council's 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.

7. REPORT TO CONSIDER THE APPLICATION FOR A PRIVATE HIRE OPERATOR'S LICENCE – MR MA (ITEM C7)

The Chair welcomed the applicant and his Office Manager to the Sub-Committee.

The Licensing Manager presented the report and detailed the application for a Private Hire Operator's Licence.

The applicant and his Office Manager presented their case to the Sub-Committee.

The Sub-Committee Members & Licensing Manager asked questions of the applicant and his Office Manager for clarification purposes only.

The applicant, his Office Manager and the Licensing Manager left the room to enable the Sub-Committee to determine the application.

Resolved:

1. That the licence was granted for a period of 12 months subject to the conditions at Appendix B. It was also subject to a satisfactory basic disclosure. The Sub-Committee considered the applicant to be a fit and proper person to hold a Private Hire Operator Licence.

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 REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE – MR SA (ITEM C2)

The Chair welcomed the driver and his friend, who was to interpret, to the Sub-Committee.

The Licensing Manager presented the report and detailed the circumstances which had brought the driver before the Sub-Committee.

The driver through his friend presented his case to the Sub-Committee.

The Sub-Committee Members & Licensing Manager asked questions of the driver, through his friend, for clarification purposes only.

The driver, his friend and the Licensing Manager left the room to enable the Sub-Committee to come to a decision.

Resolved:

1. That the licence was suspended until a DVSA test (or Council-approved equivalent) was passed. Evidence to be provided to the Licensing Enforcement Unit.
2. The driver was informed of the reason for the decision and of the right of appeal before the Magistrates' Court which must be exercised within 21 days of receipt of the decision in writing.
3. The driver was informed that he would receive confirmation of the decision in writing.

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.

9. REPORT TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE – MR KJ (ITEM C3)

The applicant was not in attendance. The Sub-Committee agreed to hear the application in his absence.

The Licensing Manager presented the report and detailed the application for a Hackney Carriage Driver's Licence.

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

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

Resolved:

1. That the application was refused as the Sub-Committee did not consider the applicant to be a fit and proper person to hold a Hackney Carriage Driver's Licence.

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 REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR AM (ITEM C4)

The driver was not in attendance. The Sub-Committee agreed to hear the details in his absence.

The Licensing Manager presented the report and detailed the circumstances which had brought the driver before the Sub-Committee.

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

The Licensing Manager left the room to enable the Sub-Committee to come to a decision.

Resolved:

1. That the licence be revoked under Section 61(1) of the Local Government Miscellaneous Provisions Act 1976. The Sub-Committee did not consider the Mr AM a fit and proper person to hold a Hackney Carriage driver's licence.
2. Mr AM would be informed of his right of appeal to the Magistrates' Court which must be exercised with 21 days of service of the decision letter upon him.
3. Mr AM would be informed of the reason for the decision and that he would receive written confirmation of the Council's 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.

11. REPORT TO REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR MBT (ITEM C6)

The driver was not in attendance but had asked that the Sub-Committee hear the case in his absence. This was agreed by the Sub-Committee members.

The Licensing Manager presented the report and detailed the circumstances which had brought the driver before the Sub-Committee.

The Licensing Manager left the room to enable the Sub-Committee to come to a decision.

Resolved:

1. That the licence be revoked under Section 61(1) of the Local Government Miscellaneous Provisions Act 1976. The Sub-Committee did not consider the Mr MBT a fit and proper person to hold a Hackney Carriage driver's licence.
2. Mr MBT would be informed of his right of appeal to the Magistrates' Court which must be exercised with 21 days of service of the decision letter upon him.
3. Mr MBT would be informed of the reason for the decision and that he would receive written confirmation of the Council's 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.

12. REPORT TO CONSIDER THE APPLICATION FOR A PRIVATE HIRE OPERATOR'S LICENCE – MR IK (ITEM C8)

The applicant was not in attendance. It was agreed that his application would be deferred until a future meeting.

Resolved:

1. That the application be deferred until a future meeting.

Reason for Decision

To enable the applicant to attend to present his case to the Sub-Committee.

The meeting commenced at 10.10am and closed at 12.40pm

CHAIRMAN _____