

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 15th March 2017

Present: Councillors Smallridge (Chair), Crawforth and Haworth

**In Attendance: Nigel Yates, Licensing & Enforcement Officer
Abigail Wrench, Trainee Solicitor
Glenda Ashton, Committee & Member Services Officer
11 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 & Enforcement 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 involved the disclosure of exempt information under Paragraph 1 of Schedule 12A of the Act.

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

The Chair welcomed the driver 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 presented his case to the Sub-Committee.

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

The driver and the Licensing & Enforcement Officer 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 driver to be a fit and proper person to hold a Hackney Carriage driver's licence.
2. The driver 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. The driver 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 CONSIDER AN APPLICATION FOR A PRIVATE HIRE OPERATOR'S LICENCE FOR MR AIA (ITEM C2)

The Chair welcomed the applicant, his General Manager, Trade Representative and Business Associate to the Sub-Committee.

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

The applicant's representatives presented their case to the Sub-Committee.

The Sub-Committee Members asked questions of the applicant and his representatives for clarification purposes only.

The applicant, his representatives and the Licensing & Enforcement Officer 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.

A comfort break was taken at this point

7. REPORT TO DETERMINE AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR IH (ITEM C4)

The Chair welcomed the driver to the Sub-Committee.

The Licensing & Enforcement Officer cautioned the driver before presenting the report and detailing the circumstances 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 applicant and Licensing & Enforcement Officer for clarification purposes only.

The driver and the Licensing & Enforcement Officer 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 driver to be a fit and proper person to hold a Hackney Carriage driver's licence.
2. The driver 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. The driver 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.

8. REPORT TO CONSIDER AN APPLICATION FOR A PRIVATE HIRE OPERATOR'S LICENCE FOR MR IK (ITEM C5)

The applicant's partner and a friend were in attendance and explained that the applicant was unable to attend the Sub-Committee meeting.

The Sub-Committee decided to defer the application to enable the applicant to attend the next Sub-Committee meeting.

Resolved:

1. That the decision be deferred until a further hearing could be arranged.

Reason for Decision

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

9. REPORT TO DETERMINE AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR MN (ITEM C7)

The Chair welcomed the driver and his wife to the Sub-Committee.

The Licensing & Enforcement Officer presented the report and detailed the circumstances that had brought the driver before the Sub-Committee.

The driver presented his case to the Sub-Committee.

Two video clips were shown.

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

The driver, his wife and the Licensing & Enforcement Officer left the room to enable the Sub-Committee to come to a decision.

Resolved:

1. That the licence be suspended for a period of 6 weeks.
2. The driver 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. The driver 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.

A comfort break was taken at this point.

10. REPORT TO DETERMINE AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR AC (ITEM C3)

The Sub-Committee welcomed the driver 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 Sub-Committee 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 come to a decision.

Resolved:

1. That no further action be taken. The Sub-Committee considered that the applicant was 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.

The Trainee Solicitor advised that the Sub-Committee had now sat for 4 hours and needed to decide whether to continue dealing with the remaining reports. The Sub-Committee confirmed they wished to continue with the meeting.

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

The driver was not in attendance and the Sub-Committee were advised that he had already handed his licence in. It was confirmed that the driver was aware that the Sub-Committee could still deal with the case in his absence. The Sub-Committee decided to hear the case in the absence of the driver.

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

The Licensing & Enforcement Officer 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 driver to be a fit and proper person to hold a Hackney Carriage driver's licence.
2. The driver 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. The driver would be informed of the reason for the decision and 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 DETERMINE AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR TO (ITEM C8)

The driver was not in attendance. His representative had asked for an adjournment prior to the meeting which had been refused. The Trainee Solicitor advised that it was good practice to allow drivers to be represented. The Sub-Committee agreed to deal with the report in the driver's absence.

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

The Licensing & Enforcement Officer 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 driver to be a fit and proper person to hold a Hackney Carriage driver's licence.

2. The driver 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. The driver would be informed of the reason for the decision and 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.

13. REPORT TO DETERMINE AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR MS (ITEM C9)

The driver was not in attendance. His representative had requested an adjournment prior to the meeting to enable him and the driver to attend. The Chair had already agreed to the adjournment prior to the meeting.

The Sub-Committee agreed to the adjournment.

Resolved:

1. That the decision be adjourned to a further hearing date.

Reason for Decision

To enable the driver and his representative to attend to present his case to the Sub-Committee.

The meeting commenced at 10.05am and finished at 2.20pm

CHAIRMAN _____