

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 31st August 2017

Present: Councillors Smallridge (Chair), Haworth and Johnson

**In Attendance: Yasmin Ahmed, Legal Officer
Nigel Yates, Licensing Officer
Glenda Ashton, Committee & Member Services Officer
7 applicants/drivers/friends/representatives**

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

The Chair advised that he lived in the same Ward as a driver on the agenda. However as he did not know the individual he was happy to hear the item.

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 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 CONSIDER AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE OPERATOR'S LICENCE FOR MR JAC (ITEM C1)

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

The Licensing Officer presented the report and detailed the application that was before the Sub-Committee.

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

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

The applicant, his representatives and the Licensing Officer left the room to enable the Sub-Committee to come to a decision.

Resolved:

1. That the licence was granted for a period of 12 months subject to the conditions set out in 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'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.

6. REPORT TO CONSIDER THE REVIEW OF AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR MS (ITEM C5)

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

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

The legal representatives presented the case to the Sub-Committee.

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

The driver, his legal representatives and the Licensing Officer left the room to enable the Sub-Committee to come to a decision.

Resolved:

1. That the Hackney Carriage driver's licence be suspended under Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 for a period of 2 months.
2. The driver was informed of his right of appeal to the Magistrates' Court which must be exercised within 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.

7. REPORT TO CONSIDER THE REVIEW AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR SM (ITEM C3)

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

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

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

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

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

Resolved:

1. That no formal action be taken. The Sub-Committee considered the driver to be a fit and proper person to hold a Hackney Carriage driver's. However a formal warning by letter would be issued and kept on the driver's file record at Rossendale Borough Council.

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, Intended Use Policy and the Sub-Committee took into account all the relevant information put before them.

8. **REPORT TO CONSIDER THE REVIEW OF AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR IR (ITEM C4)**

The driver was not in attendance at the Sub-Committee. The Sub-Committee agreed to consider the report in the driver's absence.

Resolved:

1. That the Hackney Carriage driver's 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 within 21 days of service of the decision letter upon him.
3. The driver 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, Intended Use Policy and the Sub-Committee took into account all the relevant information put before them.

9. **REPORT TO CONSIDER THE REVIEW OF AN EXISTING HACKNEY CARRIAGE VEHICLE LICENCE FOR MR MI (ITEM C2)**

The licence holder was not in attendance at the Sub-Committee. The Sub-Committee agreed to consider the report in the licence holder's absence.

Resolved:

1. That the Hackney Carriage vehicle licence be revoked under Section 60(1) of the Local Government (Miscellaneous Provisions) Act 1976. The Sub-Committee did not consider the licence holder to be a fit and proper person to hold a Hackney Carriage vehicle licence.
2. The licence holder would be informed of his right of appeal to the Magistrates' Court which must be exercised within 21 days of service of the decision letter upon him.
3. The licence holder 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, Intended Use Policy and the Sub-Committee took into account all the relevant information put before them.

10. **REPORT TO CONSIDER THE REVIEW OF AN EXISTING HACKNEY CARRIAGE VEHICLE PROPRIETOR'S LICENCE FOR MR FH (ITEM C6)**

The proprietor was not in attendance at the Sub-Committee. The Sub-Committee agreed to consider the report in the proprietor's absence.

Resolved:

1. That the Hackney Carriage vehicle proprietor's licence be revoked under Section 60(1) of the Local Government (Miscellaneous Provisions) Act 1976. The Sub-Committee did not consider the proprietor to be a fit and proper person to hold a Hackney Carriage vehicle proprietor's licence.
2. The proprietor would be informed of his right of appeal to the Magistrates' Court which must be exercised within 21 days of service of the decision letter upon him.
3. The proprietor 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, Intended Use Policy and the Sub-Committee took into account all the relevant information put before them.

The meeting concluded at 12pm

CHAIRMAN _____

DATE _____