

MINUTES OF: LICENSING SUB-COMMITTEE (DRIVERS)

Date of Meeting: 28th November 2017

Present: Councillors Hughes (Chair), Johnson and Eaton (subbing for Cllr Cheetham)

**In Attendance: Yasmin Ahmed, Legal Officer
Phil Morton, Licensing Manager
Joanna Wood, Committee & Member Services Officer
1 applicant and 1 driver**

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

Councillor Cheetham, Councillor Eaton subbing.

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 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 CONSIDER THE REVIEW OF HACKNEY CARRIAGE VEHICLE LICENCES LISTED IN APPENDIX A AND STILL LICENSED BY ROSSENDALE BC FOR MR AH (ITEM C3)

The Chair welcomed the Director to the Sub-Committee.

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

The Director presented his case to the Sub-Committee.

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

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

Resolved:

1. That the vehicle licences be revoked under Section 60 subsection (1) subsection (c) of the Local Government Miscellaneous Provisions Act 1976.
2. The Director 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 THE APPLICATION TO GRANT A PRIVATE HIRE DRIVER'S LICENCE FOR Mr AAR (ITEM C7)

The Chair welcomed the applicant to the Sub-Committee.

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

The applicant presented his case to the Sub-Committee.

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

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

Resolved:

1. That the application is refused. The Sub-Committee does not consider the applicant to be a fit and proper person to hold a private hire drivers licence.
2. The applicant will 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 and the Sub-Committee took into account all the relevant information put before them.

7. REPORT TO CONSIDER THE REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR BH (ITEM C2)

The Licensing Manager advised the Committee the report was no longer to be heard and the Licensing Department had already dealt with the matter, which resulted in the driver no longer needing to attend the Sub-Licensing Committee.

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

The Licensing Manager advised the Committee the report was no longer to be heard at the Sub-Licensing Committee in light of the applicant successfully appealing the conviction against him.

9. **REPORT TO CONSIDER THE REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR MA (ITEM C1)**

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

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

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 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 until the DVSA test (or council approved equivalent) has been taken and passed and evidence provided of this to the Licensing and Enforcement Unit within a period of 3 months (unless evidence provided that an appointment could not be obtained).
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 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.

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

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

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 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 be informed of the reason for the decision and would receive written confirmation of the Council's decisions.

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.

11. REPORT TO CONSIDER THE REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE FOR MR MB (ITEM C6)

The driver was not in attendance at the Sub-Committee.

The Licensing Manager advised the driver had not been aware of the meeting due to not being in the country. The Sub-Committee agreed to defer to allow the driver to attend a future Sub-Committee to present his case.

Resolved:

1. That the item be deferred until a further hearing could be arranged.
2. The driver would be informed of the reason for the decision and that he would receive written confirmation of the Council's decision.

Reason for Decision

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

12. REPORT TO CONSIDER THE REVIEW OF A PRIVATE HIRE OPERATOR'S LICENCE FOR MR MB (ITEM C8).

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.

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

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

Resolved:

1. That the vehicle licences be revoked under Section 60 subsection (1) subsection (c) of the Local Government Miscellaneous Provisions Act 1976.
2. The licence holder 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 and the Sub-Committee took into account all the relevant information put before them.

13. **REPORT TO CONSIDER THE REVIEW OF HACKNEY CARRIAGE VEHICLE LICENCES (ITEM C9)**

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.

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

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

Resolved:

1. That the vehicle licences be revoked under Section 60 subsection (1) subsection (c) of the Local Government Miscellaneous Provisions Act 1976.
2. The licence holder 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.

The meeting concluded at 10.30am

CHAIRMAN

DATE
