

Licensing Committee (Hackney Carriage)

Thursday 10 September 2009

PRESENT:

Councillor Mrs Dolan, in the Chair.

Councillor Thompson, Vice Chair.

Councillors Bowie, Delbridge, Mrs Nicholson (substitute for Councillor Drean) and Reynolds.

Apology for absence: Councillor Rennie.

The meeting started at 10.00 am and finished at 5.10 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

53. DECLARATIONS OF INTEREST

In accordance with the code of conduct Councillor Bowie declared a personal interest in minute 67 and left the room for that item.

54. MINUTES

Resolved that the minutes of the meeting held on 20 August 2009 are confirmed as a correct record.

55. CHAIR'S URGENT BUSINESS

With the permission of the Chair, the Senior Environmental Health Officer (Safety, Health and Licensing) gave a brief update on the private hire airport transfer operator licenses.

(In accordance with Section 100(B)(4)(b) of the Local Government Act, 1972, the Chair brought forward the above item for urgent consideration because of the need for Members to be informed).

56. APPEAL CASES

The committee was informed that one case had been upheld by the Magistrates Court with the Council being awarded costs of £260.

57. LICENSED DRIVER REVIEW OF PRIVATE HIRE DRIVER'S LICENCE STATUS FOLLOWING A MOTORING CONVICTION

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from Mr Luker;
- (iii) heard details of Mr Luker's motoring conviction.

Resolved that no further action is taken in respect of this motoring conviction.

58. LICENSED DRIVER REVIEW OF PRIVATE HIRE DRIVER LICENCE STATUS FOLLOWING A MOTORING CONVICTION

The committee having -

- (i) considered the report of the Director for Community Services;
- (ii) heard from Mr Ahmed;

- (iii) heard details from Mr Ahmed, as follows –
- he had two accidents one of which was in the course of trade, the other in a personal capacity;
 - he had three matters which were dealt with by fixed penalty points including speeding and failing to comply with a red traffic light;
 - the most recent incident which resulted in a fine, costs and disqualification for seven days;
- (iv) taken into account -
- that Mr Ahmed stated that he failed to report the conviction to the licensing office for the recent offence as he assumed that as a licensing officer was aware of the conviction and he need not do anything else; also as the police, DVLA and insurance company all knew about the conviction he thought the council would find out about it;
 - paragraph 10.2 of the Council's policy;
- (v) Members were concerned that –
- (a) Mr Ahmed's actions indicated a disregard for the licence conditions and the licensing authority;
 - (b) due to Mr Ahmed's motoring record since the grant of his licence that called into question his suitability to hold a licence and showed disregard for the rules of the road and public safety.

Resolved that Mr Ahmed's licence is suspended for 7 days in respect of (a) above and that he must complete the private hire driving test within 28 days and the VRQ within 12 months as a result of (b) above.

59. **LICENSED DRIVER REVIEW OF PRIVATE HIRE DRIVER LICENCE STATUS FOLLOWING A MOTORING CONVICTION**

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from the Mr Westcott;
- (iii) heard details of Mr Westcott's motoring convictions;
- (iv) taken into account Mr Westcott's personal circumstances and the explanation provided.

The conviction for drink driving which resulted in disqualification for 16 months was a relevant offence under the Council's policy and as such raised concerns for public safety.

Resolved that Mr Westcott's licence is not revoked but is suspended for 16 months.

60. **EXEMPT INFORMATION**

Resolved that Section 100(A) (2) and (4) of the Local Government Act 1972, the press and public are excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of confidential/exempt information as defined in paragraphs 3 and 7 of Part 1 Schedule 12A of the (Local Government Access to Information) Act 1985, as amended by the Freedom of Information Act 2000.

61. **LICENSED DRIVER - REVIEW OF PRIVATE HIRE LICENCE STATUS - LKP**

The committee having -

- (i) considered the report of the Director for Community Services;
- (ii) been advised that LKP had failed to attend this meeting.

Resolved that a letter, including the updated report containing information from the police, is sent to LKP inviting him to attend the next committee meeting but failure to attend would result in the matter being considered in his absence.

62. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVERS LICENCE - PAF**

The committee having -

- (i) considered the report of the Director for Community Services;
- (ii) been advised that PAF had failed to attend this meeting.

Resolved that the licensing officer ascertain whether PAF had been invited to attend the October meeting.

63. **APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - MKLT**

The committee having -

- (i) considered the report of the Director for Community Services;
- (ii) heard from MKLT.

Resolved that the application for the hackney carriage driver's licence is granted subject to the completion of the requisite parts of the application process including the Level 2 VRQ Transporting Passengers by Taxi and Private Hire or equivalent qualification within 12 months from the date of being first licensed.

64. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - JJH**

The committee having -

- (i) considered the report of the Director for Community Services;
- (ii) heard from JJH.

Resolved that the application for the private hire driver's licence is granted subject to the completion of the requisite parts of the application process including the Level 2 VRQ Transporting Passengers by Taxi and Private Hire or equivalent qualification within 12 months from the date of being first licensed.

65. **APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - DJH**

The committee having -

- (i) considered the report of the Director for Community Services;
- (ii) heard from DJH.

Resolved that the application for the hackney carriage driver's licence is granted subject to the completion of the requisite parts of the application process including the Level 2 VRQ Transporting Passengers by Taxi and Private Hire or equivalent qualification within 12 months from the date of being first licensed.

66. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - RJJ**

The committee having -

- (i) considered the report of the Director for Community Services;
- (ii) heard from RJJ.

Resolved that the application for the private hire driver's licence is granted subject to the completion of the requisite parts of the application process including the Level 2 VRQ Transporting Passengers by Taxi and Private Hire or equivalent qualification within 12 months from the date of being first licensed.

67. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - RG**

The committee having -

- (i) considered the report of the Director for Community Services;
- (ii) heard from RG;
- (iii) heard details of RG's convictions.

Resolved that RG is not a fit and proper person to hold a private hire driver's licence.

(Councillor Bowie declared a personal interest and left the room for the above item).

(Note: there is a confidential part to this minute)