

TAXI & PRIVATE HIRE LICENSING PANEL

24th March 2009 at 6.00p.m.

PRESENT: Councillors Saleem, Ayub, Garrett, Hinkley and Siederer.

20 APOLOGIES FOR ABSENCE (REF: 1)

Apologies for absence from the meeting were received on behalf of Councillors Bullock and Riaz.

21 MINUTES (REF: 2.1)

Resolved: That the minutes of the meeting of the Panel held on 24th February 2009 be taken as read, approved as a correct record and signed by the Chair.

22 LOCAL GOVERNMENT ACT 1972, PART VA (REF: 5)

Resolved: That, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting as it is likely that if members of the public were present during consideration of the items remaining there would be disclosure to them of exempt information falling within Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended.

23 HACKNEY CARRIAGE DRIVER'S LICENCE – GRANT – MR. I. A. S. (REF: 6)

The Head of Environmental and Consumer Services reported on an application by Mr. I. A. S. for the grant of a Hackney Carriage Driver's Licence, which she was not authorised to approve in view of the application being outside the Council's Convictions Policy.

Mr. I. A. S. had been invited to attend the meeting to speak in support of his application. Mr. I. A. S. and his wife and children were present at the meeting.

The Licensing Officer advised that the Licensing Service intended to call two witnesses, neither of whom was able to attend this meeting of the Panel. He therefore requested that consideration of the application of Mr. I. A. S. be deferred.

Resolved: That consideration of this matter be **DEFERRED** until the next meeting of the Panel to allow the witnesses a further opportunity to attend.

**24 PRIVATE HIRE DRIVER'S LICENCE – RENEWAL – MR. N. H.
(REF: 7)**

The Head of Environmental and Consumer Services reported on an application by Mr. N. H. for the renewal of his Private Hire Driver's Licence, which had been referred to the Panel to consider whether the Applicant was a fit and proper person to hold a Private Hire Driver's licence.

Mr. N. H. had been invited to attend the meeting to speak in support of his application. Mr. I. B. was present at the meeting and the Panel followed their procedure for oral hearings as set out at Minute 442(6)/90 of the then Licensing Sub-Committee.

Mr. N. H. was given the opportunity to challenge the contents of the report of the Head of Environmental and Consumer Services but did not dispute the information contained therein.

Resolved: That having regard to:

- (a) the Council's Convictions Policy,
- (b) Mr. N H's convictions for:
 - (i) Attempt/Obtaining Property by Deception (Theft Act 1968 s15) on 17th October 2005 for which he was convicted on 30th October 2008 and received a term of imprisonment of 16 weeks, wholly suspended for 12 months, and required to perform 150 hours unpaid work,
 - (ii) Attempt/Obtaining Property by Deception (Theft Act 1968 s15) on 18th May 2006 for which he was convicted on 30th October 2008 and received a concurrent term of imprisonment of 16 weeks, wholly suspended for 12 months (concurrent), required to perform 150 hours unpaid work and ordered to pay costs of £300,
 - (iii) SP30 – Exceeding statutory speed limit on a public road on 22nd May 2004 for which his DVLA Driver's Licence was endorsed with 3 penalty points,
- (c) that Mr. N. H. had failed to advise the Licensing Service of the above convictions with 7 days as required by the Council's Standard Conditions for a Private Hire Driver's Licence,
- (d) that Mr. N. H. had been observed driving illegally in a bus lane on 30th July 2008 of which he had been advised in a

warning letter and had not disputed the matter,

- (e) the statement made by Mr. N. H. prior to the meeting and the oral representations made by him at the meeting,
- (f) that to grant the application would be a departure from the Council's Convictions Policy;

the application by Mr. N. H. for the grant of Private Hire Driver's Licence be **REFUSED** under Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that the Panel were not satisfied that Mr N. H. was a fit and proper person to hold a Private Hire Driver's Licence..

25 HACKNEY CARRIAGE DRIVER'S LICENCE – RENEWAL – MR. J. S. (REF: 8)

The Head of Environmental and Consumer Services reported on an application by Mr. J. S. for the renewal of his Hackney Carriage Driver's Licence, which had been referred to the Panel to consider whether the Applicant was a fit and proper person to hold a Hackney Carriage Driver's licence.

Mr. J. S. had been invited to attend the meeting to speak in support of his application. Mr. J. S. and his cousin were present at the meeting and the Panel followed their procedure for oral hearings as set out at Minute 442(6)/90 of the then Licensing Sub-Committee.

Mr. J. S. was given the opportunity to challenge the contents of the report of the Head of Environmental and Consumer Services but did not dispute the information contained therein.

Resolved: That having regard to:

- (a) the Council's Convictions Policy,
- (b) Mr. J. S.'s conviction on 21st October 2008 for Affray which occurred on 9th January 2008 and for which he was sentenced to 26 weeks imprisonment, wholly suspended for 12 months, placed under a supervision order for 12 months and ordered to compensation of £250 and costs of £300,
- (c) the statement made by Mr. J. S. prior to the meeting and the oral representations made by him at the meeting,
- (d) that to grant the application would be a departure from the Council's Convictions Policy;

the application be **REFUSED** under Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that the Panel were not satisfied that Mr J. S. was a fit and proper person to hold a Hackney Carriage Driver's Licence.

(Note: In accordance with Standing Order 20.3, Councillors Ayub and Siederer required that their votes against the above decision be recorded.)

26 HACKNEY CARRIAGE DRIVER'S LICENCE – GRANT – MR. M. C. K. (REF: 9)

The Head of Environmental and Consumer Services reported on an application by Mr. M. C. K. for the grant of a Hackney Carriage Driver's Licence, which she was not authorised to approve in view of the application being outside the Council's Convictions Policy.

Mr. M. C. K. had been invited to attend the meeting to speak in support of his application. Mr. M. C. K. was absent and had not informed the Licensing Section that he would not be attending.

Resolved: That consideration of this matter be **DEFERRED** to a future meeting of the Panel to allow the applicant a further opportunity to attend the meeting to speak in support of his application.

27 PRIVATE HIRE DRIVER'S LICENCE – GRANT – MR. M. N. (REF: 10)

The Head of Environmental and Consumer Services reported on an application by Mr. M. N. for the grant of a Private Hire Driver's Licence, which she was not authorised to approve in view of the application being outside the Council's Convictions Policy.

Mr. M. N. had been invited to attend the meeting to answer questions of the Panel on this matter. Mr. M. N. had advised the Licensing Section that he was currently abroad. The Licensing Officer advised that there appeared to be a misunderstanding between Mr. M. N. and the Licensing Section as to when the Panel would consider this matter. He therefore requested that determination of this matter be deferred until the June or July meeting of the Panel.

Resolved: That determination of this matter be **DEFERRED** to a future meeting of the Panel to allow Mr. M. N. an opportunity to attend the meeting to speak in support of his application.

(Note: The meeting ended at 7.20 p.m.)