

TAXI & PRIVATE HIRE LICENSING PANEL

21st January 2009 at 6.00 p.m.

PRESENT: Councillors Saleem, Ayub, Bullock, Hinkley, Riaz and Siederer.

1 APOLOGY FOR ABSENCE (REF: 2)

An apology for absence from the meeting was received on behalf of Councillor Garrett.

2 MINUTES (REF: 3)

Resolved: (i) That the minutes of the meetings of the Panel held on 11th November, 2008, and 25th November, 2008 be taken as read, approved as correct records and signed by the Chair.

(i) That subject to the deletion of Councillor Saleem and the inclusion of Councillor Ayub attendance, the minutes of the meeting of the 10th December 2008 be taken as read, approved as correct records and signed by the Chair.

3 LOCAL GOVERNMENT ACT 1972, PART VA (REF: 6)

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.

4. PRIVATE HIRE DRIVER'S LICENCE – RENEWAL – MR. I. A. (REF: 7)

The Head of Environmental and Consumer Services reported on an application by Mr. I. A. 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. I. A. had been invited to attend the meeting to speak in support of his application. Mr. I. A. 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. I. A. 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. I. A.'s convictions for:
 - (i) No insurance on the 11th March 2007, for which he was convicted on 24th August 2007, and ordered to pay compensation of £250.00 and had his DVLA Driver's License endorsed and was disqualified from driving discretionary for 14 days;
 - (ii) Driving without due care and attention on the 11th March 2007, for which he was convicted on 24th August 2007, and received no separate penalty and had his DVLA Driver's License endorsed;
 - (iii) False statement to obtain insurance on the 23rd March 2007, for which he was convicted 24th August 2007, and received 80 hours Community Service Order unpaid work and ordered to pay the Cost of £60.00;
 - (iv) False statement to obtain insurance on the 29th May 2007 for which he was convicted on 24th August 2007, and received 60 hours Community Service Order unpaid work;
 - (v) TS10 – Failing to comply with traffic signals on the 2nd December 2004 for which he received a Fixed Penalty fine and had his DVLA driving licence endorsed with 3 penalty points;
 - (vi) CD10 – Driving without due care and attention on the 11th March 2007 for which he was convicted on the 22nd August 2007 and received no separate penalty;
 - (vii) IN14 – Using a vehicle uninsured against third party on the 11th March 2007 for which he was convicted on the 22nd August 2007 and disqualified from driving for 14 days;

- (viii) SP30 – Exceeding statutory speed limit on a Public Road on the 20th September 2007 for which he received Fixed Penalty and had his DVLA Driver's Licence endorsed with three points.
- (c) the statements made by Mr. I. A. 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 51(1) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that the Panel were not satisfied that Mr. I. A. was a fit and proper person to hold a Private Hire Driver's Licence.

5 HACKNEY CARRIAGE DRIVER'S LICENCE – GRANT – MR. M. I. A. (REF: 8)

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

Mr. M. I. A. had been invited to attend the meeting to speak in support of his application. Mr. M. I. A., his father and a friend 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. M. I. A. 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. However, Mr. M. I. A. informed the Panel that an alias named on his CRB Check was not him, and should not have been listed and had since been removed. This had been confirmed by the Police via a letter dated 26th November 2008.

Resolved: That having regard to:

- (a) the Council's Convictions Policy;
- (b) Mr. M. I. A.'s remorse for his actions and possible consequences; and
- (c) Mr. M. I. A.'s letter of apology, stating the personal reasons for his previous behavior read during the hearing;

- (d) the statement made by Mr. M. I. A. prior to the meeting and the oral representations made by him at the meeting;

the application by Mr. M. I. A. for the grant of Hackney Carriage Driver's Licence be **APPROVED** for a period of **TWO YEARS** subject to compliance with the Council's pre-licensing requirements.

**6 PRIVATE HIRE DRIVER'S LICENCE – GRANT – MR. K. A. R.
(REF: 9)**

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

Mr. K. A. R. had been invited to attend the meeting to speak in support of his application. Mr. K. A. R. 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. K. A. R. 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 consideration of this matter be **ADJOURNED** to a future meeting of the Panel:

(i) to allow an interpreter to be present as Members of the Panel were not satisfied that Mr. K. A. R. had fully understood the questions that were put to him and wished to ensure that he had the opportunity to respond fully to the questions;

(ii) to enable Licensing Officers to clarify the details of Mr. K. A. R.'s conviction.

**7 PRIVATE HIRE DRIVER'S LICENCE – GRANT – MR. M. Y. K.
(REF: 10)**

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

Mr. M. Y. K. had been invited to attend the meeting to speak in support of his application. Mr. M. Y. K. 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. M. Y. K. 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. M. Y. K.'s convictions for the following offences;
 - (i) Taking motor vehicle without consent on 21st September 1998, for which he was convicted on the 22nd December 1998 and received 9 months Probation Order to run concurrent;
 - (ii) Theft – on 10th September 1998 for which he was convicted on 22nd December 1998 and received 9 months Probation Order concurrent;
 - (iii) Possessing controlled drug – Class A – heroin on 30th December 1998, for which he was convicted on 21st January 1999, and received 12 months Conditional discharge; ordered to pay the costs £55, Forfeiture, confiscation, and destruction of heroin;
 - (iv) Theft - Shoplifting on 22nd April 2002 for which he was convicted on 9th December 2002 and received 12 months Conditional discharge;
 - (v) Failing to surrender on 25th April 2002 for which he was convicted on 9th December 2002 and received 12 months Conditional discharge to custody at appointed time;
 - (vi) Theft – Shoplifting on 21st March 2002 for which he was convicted on 9th December 2002 and received 12 months Conditional discharge;
 - (vii) Possessing controlled drug – Class A – heroin on 20th September 2005 for which he was convicted on 26th September 2005 and received 12 months Conditional discharge and ordered to pay the costs £43 Forfeiture, confiscation, destruction of diamorphine;
 - (viii) Possessing controlled drug – Class A – heroin on 8th May 1998 for which he was cautioned by the Bedfordshire Police;

- (ix) TS10 - Failing to comply with traffic light signals on 28th January 2004 for which he was convicted on 13th September 2004 and he received a fine of £75 and had his DVLA driving licence endorsed with 3 points;
- (c) the statements made by Mr. M. Y. K. 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 51(1) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that the Panel were not satisfied that Mr M. Y. K. was a fit and proper person to hold a Private Hire Driver's Licence.

8 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE – GRANT – MR. M.A. (REF: 11)

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

Mr. M. A. had been invited to attend the meeting to speak in support of his application. Mr. M. A. 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. M. A. 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. M. A.'s convictions for the following offences;
 - (i) Speeding on the 16th September 2007 for which he was convicted on 16th September 2007 and had his DVLA driver's licence endorsed with 3 penalty points,
 - (ii) Driving a private vehicle without a Private Hire Driver's Licence on 10th May 2007,

- (iii) Knowingly making of a false statement on an application for the grant of Private Hire Driver's Licence on 24th May 2007, for which he received 2 years Conditional discharge concurrent penalty on each offence and was ordered to pay the costs of £3,750.00,
 - (e) the statements made by Mr. M. A.'s 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,
- that:

(i) the application for the Hackney Driver's Licence be **REFUSED** under Section 59(1) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that the Panel were not satisfied that Mr M. A. was a fit and proper person to hold a Hackney Carriage Driver's Licence.

(ii) the application for a Private Hire Driver's Licence also be **REFUSED** under Section 51(1) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that the Panel were not satisfied that Mr M. A. was a fit and proper person to hold a Private Hire Driver's Licence.

10 PRIVATE HIRE DRIVER'S LICENCE – REVIEW – MR. J. Z. H. (REF: 12)

The Head of Environmental and Consumer Services invited the Panel to consider whether Mr. J. Z. H. should continue to hold his Private Hire Driver's Licence, following his convictions on the 26th June 2005, 5th March 2006, and 9th January 2007.

Mr. J. Z. H. had been invited to attend the meeting to answer questions of the Panel on this matter. Mr. J. Z. H. and the Chair of the Luton Driver's Union 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.

Resolved: That having regard to:

- (a) the remorse that Mr. J. Z. H. exhibited for his action, and,
- (b) Mr. J. Z. H.'s standing, good character and behaviour,
- (c) the statements made by Mr. J. Z. H. and the Chair of the Luton Driver's Union prior to the meeting and the oral representations made at the meeting,

(i) that Mr. J. Z. H.'s Private Hire Driver's Licence **REMAIN IN FORCE** and **CONTINUE TO RUN**.

(ii) that Mr. J. Z. H. be **WARNED** in the strongest possible terms of the consequence of his actions and the effect any further re-occurrence of this incident might have on the continuation of his Private Hire Driver's Licence.

(Note: The meeting ended at 9.15 p.m.)