

TAXI & PRIVATE HIRE LICENSING PANEL (171)

13TH APRIL 2011 at 6.00 p.m.

PRESENT: Councillors Bullock, Campbell and Raquib

31 ELECTION OF CHAIR (REF: 1)

Resolved: That Councillor Bullock be elected Chair of Panel No. 171.

32 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.

33 HACKNEY CARRIAGE DRIVER'S LICENCE – REVIEW – MR R. R. A. (REF: 6) HACKNEY CARRIAGE DRIVER'S LICENCE – REVIEW – MR K. A. C. (REF: 7) HACKNEY CARRIAGE DRIVER'S LICENCE – REVIEW – MR. M. Z. A. R. (REF: 8)

The Head of Environmental and Consumer Services invited the Panel to consider whether Mr. R. R. A., Mr. K. A. C., and Mr. M. Z. A. R., should continue to hold their Hackney Carriage Driver's Licences following a number of complaints and allegations of harassment, threats with the additional consequences of blocking emergency vehicle access to town centre streets.

Mr. R. R. A., Mr. K. A. C., and Mr. M. Z. A. R., had been invited to attend the meeting to answer questions of the Panel on the matter. Mr. R. R. A., Mr. K. A. C., and Mr. M. Z. A. R., and their representatives including an interpreter for Mr. R. R. A. (Mr. Asif Yousaf) and two friends 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.

The Clerk to the Panel advised that, because of the interrelated

nature of the complaints and allegations, and the fact that two of the applicants were currently being represented by the same Barrister, it was proposed to hear the application from Mr. R. R. A., Mr. K. A. C., and Mr. M. Z. A. R., concurrently. He further advised that each Licence Holder would be given individual opportunity to question officers and to address the Panel. Mr. R. R. A., Mr. K. A. C., and Mr. M. Z. A. R., indicated that they had no objections to all three cases being heard concurrently.

The Barrister Ms. Jarratt made oral representation as follows and requested for adjournment on behalf of her two clients Mr. R. R. A. and Mr. M. Z. A. R., as well as Mr. K. A. C. whose union representative was not present;

- That instructions for representation were only received on the day of the hearing and therefore required more time to brief clients to ensure fair and appropriate representation
- That a Key witness was not present due to ill health

The Clerk to the Panel advised that due to the local elections on 5th May 2011, the next meeting was likely to be called sometimes in June 2011. It was agreed that a daytime hearing was preferred and due to the complexity of this case, it was recommended to only list the above named cases for hearing on the same day.

Resolved: (i) That determination of this matter be **DEFERRED** to a meeting of the Panel preferably in June 2011 to allow the applicants' Barrister and/or Representatives ample time to make their representation and also for the Council's key Witness to attend the meeting to give evidence before the Panel.

(ii) That due to the nature and complexity of the above cases, the applicants and their named Barrister/Representatives be informed of the date of the hearing as soon as possible and outside of the 5 working days legal deadline.

34 HACKNEY CARRIAGE DRIVER'S LICENCE – RENEWAL – MR. M. I. A. (REF: 9)

The Head of Environmental and Consumer Services reported on an application by Mr M. I. A. 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 M. I. A. had been invited to attend the meeting to speak in support of his application. Mr M. I. A. and his father 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 asked whether or not he knew any of the Panel Members present, to which replied that he did not.

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, he explained he did not declare some offences due to the lapse of time of the said offences.

Resolved: That having regard to:

- (a) the Council's Convictions Policy,
- (b) Mr. M. I. A's reprimands, cautions and convictions for:
 - (i) Person under 17 having with him air weapon in a public place not in secure cover or case on 4th March 2001 and for which he was reprimanded on 10th April 2001;
 - (ii) Theft from Person on 7th February 2004 for which he received caution on 15th May 2004;
 - (iii) IN10 - using a vehicle uninsured against third party risks on 24th June 2004 for which he was convicted on 27th August 2004, fined £50.00 and received 6 penalty points on his DVLA Driver's Licence;
 - (iv) LC20 - Driving otherwise than in accordance with a driver licence on 24th June 2004 for which he was convicted on 27th August 2004 and fined £30.00;
 - (v) IN10 - using a vehicle uninsured against third party risks on 23rd April 2008 for which he was convicted on 4th September 2008, fined £100.00 and was disqualified from driving for 21 days concurrent;
 - (vi) SP30 - Exceeding 30mph speed limit for which he was convicted on 17th February 2010 and received 3 penalty points on his DVLA Drivers Licence and a Fixed Penalty Notice;

- (c) that Mr. M. I. A. had consistently committed a number of breaches in respect of not wearing his badge for which he received verbal warning on 1st March 2010; also signed a formal caution on 10th October 2010 regarding an incident on 25th September 2010, and was again found not to be wearing his Driver's badge whilst working on 30th October 2010 for which he was convicted on 10th January 2011 at Luton Magistrates Court;
- (d) that Mr. M. I. A. had received a fixed penalty notice on 19th April 2010 for smoking in his Hackney Carriage Vehicle and was convicted by Luton's Magistrate Court on in his absence on 21st February 2011 after he had entered a written guilty plea by post for smoking in a licensed Hackney Carriage;
- (e) that despite Mr. M. I. A.'s honesty about committing these offences, and despite several written and verbal warnings by Enforcement Officers, Mr. M. I. A. appeared not to have learned from his mistakes as he had continued to commit further breaches; and that Mr. M. I. A.'s actions showed complete disregard for the law;
- (f) the statement made by Mr M. I. A. prior to the meeting and the oral representations made by him and his father at the meeting;
- (g) that the older offences in 2004 and before were not to be regarded for the purpose of deciding his application;
- (h) that to grant the application would be a departure from the Council's Convictions Policy;

that the application be **REFUSED** under Section 61(1) (a) (ii) and 61 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that the Panel were satisfied that Mr. M. I. A. had committed offences under the 1976 Act and the Town Police Clauses Act 1847 and had otherwise failed to comply with those Acts, and given his warning and conviction for smoking in his Hackney Carriage, there was also reasonable cause to refuse to renew his Hackney Carriage Driver's Licence.

The meeting ended at 7.50 p.m