

**TAXI & PRIVATE HIRE LICENSING PANEL (29)**

**22<sup>nd</sup> March 2011 at 6.00 p.m.**

**PRESENT:** Councillor Akbar, Campbell, Malik

**25 ELECTION OF CHAIR (REF: 1)**

**Resolved:** That Councillor Malik be elected Chair of Panel No. 29.

**26 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.

**28 PRIVATE HIRE DRIVER'S LICENCES – RENEWAL – MR R. W. A. K. (REF: 6)**

The Head of Environmental and Consumer Services reported on an application by Mr R. W. A. K. 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 R. W. A. K. had been invited to attend the meeting to speak in support of his application. Mr R. W. A. K , his wife and an interpreter were present at the meeting. The Panel followed their procedure for oral hearings as set out at Minute 442(6)/90 of the then Licensing Sub-Committee.

Mr R. W. A. K was asked whether or not he knew any of the Panel Members present, to which he replied that he did not. The Members of the Panel also advised that they did not know Mr R. W. A. K.

Mr R. W. A. 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:** (i) That having regard to:

- (a) the Council's Conviction's Policy,
- (b) the nature of Mr R. W. A. K. conviction and his explanation of the circumstances that gave rise to the most serious offence,
- (c) Mr R. W. A. K.'s remorse for his actions and possible consequences,
- (d) the statement made by Mr R. W. A. K's wife in support of his application,
- (e) the fact that Mr. R. W. A. K. had no convictions on his DVLA disclosure dated 19<sup>th</sup> October 2010,
- (f) the statement made by Mr R. W. A. K. prior to the meeting, and the oral representations made by him at the meeting
- (g) that exceptional circumstances existed to depart from the Council's convictions policy,

the application by Mr R. W. A. K. for a Private Hire Driver's Licence be **GRANTED** for a period of 2 years, subject to compliance with the Council's pre-licensing requirements.

(ii) That Mr R. W. A. K. be **WARNED** in the strongest possible terms of the consequences of his actions and the effect any future breaches or misconduct might have on the continuation of his Private Hire Driver's Licence.

(iii) That Mr R. W. A. K be further **WARNED** in the strongest possible terms that he must learn and understand the rules of private hire driver's licence and that any further instance of misconduct by Mr R. W. A. K. should be reported to the Taxi and Private Hire Licensing Panel to enable them to consider whether Mr R. W. A. K. remains a fit and proper person to hold a Private Hire Driver's Licence.

## **29 PRIVATE HIRE DRIVER'S LICENCE – REVIEW – MR I. H. (REF: 7)**

The Head of Environmental and Consumer Services invited the Panel to consider whether Mr I. H. should continue to hold a Private Hire Driver's Licence, as he currently had more than six penalty points on his DVLA driver's licence contrary to the Council's convictions policy. Mr I. H

also had several misdemeanours recorded against him in which LBC Licensing Services had sent him warning letters in regards to breaches of the Council's Convictions Policy.

Mr I. H. had been invited to attend the meeting to answer questions of the Panel on this matter. Mr I. H. 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. H. was asked whether or not he knew any of the Panel Members present, to which he replied that he did not.

Mr I. 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:** (i) That having regard to:

- (a) the Council's Convictions Policy,
- (b) the statement made by Mr I. H. prior to the meeting, the oral representations made by him at the meeting which included submission of paperwork to support his application at the meeting,
- (c) the nature of Mr I. H.'s convictions
- (d) that Mr I. H. had fully accepted the seriousness of the number of penalty points on his DVLA driver's licence and the effect that receiving a further motoring conviction and further breaches would have,

that Mr I. H. 's licence Private Hire Driver's Licence **REMAIN IN FORCE** and **CONTINUE TO RUN**,

(ii) That Mr I. H. be **WARNED** in the strongest possible terms of the consequences of his actions and the effect any further misconduct and breaches of the Council's conviction policy might have on the continuation of his Private Hire Driver's Licence.

### **30 HACKNEY CARRIAGE DRIVER'S LICENCE – GRANT – MR. N. M. (REF: 8)**

The Head of Environmental and Consumer Services reported on an application by Mr. N. M. 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. N. M. had been invited to attend the meeting to answer questions of the Panel on this matter. Mr. N. M. 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. M. was asked whether or not he knew any of the Panel Members present, to which he replied that he knew one Member of the Panel Councillor Malik when he was in college but has since not had any contact with Councillor Malik.

Mr. N. M. was given the opportunity to challenge the contents of the report of the Head of Environmental and Consumer Services. Mr. N. M. disputed the following information in the report of the Head of Environmental and Consumer Services.

- (i) Anacapa Number 28
- (ii) Anacapa Number 29
- (iii) Anacapa Number 30
- (iv) Anacapa Number 32
- (v) Anacapa Number 33

The Panel was advised that Mr. N. M. was a family member of Licensed Hackney Carriage Drivers of four brothers and father and that they all appeared before the Taxi Licensing Panel in 2008. At that hearing, Mr. N. M's Hackney Carriage Driver's Licence was revoked. However, the Clerk advised the Panel that this application should be considered on its own merit.

**Resolved:** That having regard to:

- (a) the Council's Conviction Policy;
- (b) Mr. N.M's remorse for his actions and possible consequences;
- (c) the honesty shown by Mr. N. M. at the meeting
- (d) the fact that Mr. N. M. had now retrained to gain qualification in Edexcel Level 2 (Transportation Passengers by Taxi and Private Hire) in order to enhance his skills showed that he was now a reformed character;
- (i) the application by Mr. N. M. for a Hackney Carriage Driver's

License be **GRANTED** for a period of **TWO YEARS**, subject to compliance with the Council's pre-licensing requirements.

(ii) That Mr. N. M. be **WARNED** in the strongest possible terms of the seriousness of the offences for which he was convicted and the effect any future convictions and or breaches might have on the continuation of his Hackney Carriage Driver's Licence.

**(Note:**

**(i) Councillor Malik declared a personal but not prejudicial interest in that she knew the applicant at College but has had no contact with him ever since. Councillor Malik remained in the room thereafter.**

**(ii) The meeting ended at 9.00 p.m.)**