

TAXI & PRIVATE HIRE LICENSING PANEL

14th August 2007 at 6.00 p.m.

PRESENT: Councillor Saleem (Chair), Councillors Akbar, Ayub, Garrett, Hinkley and Siederer,

63 APOLOGY FOR ABSENCE

An Apology for absence from the meeting was received on behalf of Councillor Riaz.

64 MINUTES (REF: 2.1 AND 2.2.)

That the Minutes of the meetings of the Panel held on 11th June and 11th July 2007 be taken as read, approved as correct records and signed by the Chair.

65 LOCAL GOVERNMENT ACT 1972, PART VA (REF: 7)

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.

66 APPLICATION FOR REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE – MR M. J. (REF: 8)

The Head of Environmental and Consumer Services invited the Panel to consider whether Mr. M. J. should continue to hold a Hackney Carriage Driver's Licence following an incident on 4th November 2006.

Mr. M. J. had been invited to attend the meeting to answer questions of the Panel on this matter. Mr. M. J. and Mr M. of the Hackney Carriage Association 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 witness to the alleged incident on 4th November 2006 was present at the meeting and presented evidence to the Panel. The Licensing Enforcement Officer who had taken a written statement from the witness was also present at the meeting and presented evidence to the Panel.

Resolved: That having regard to:-

- (a) the incident and behaviour of Mr. M. J. on 4th November 2006,
- (b) the fact that Mr. M. J. used threatening behaviour towards another with intent to cause that person to believe that immediate unlawful violence will be used against him on 4th March 1994 for which he was convicted on 5th May 1994 and fined £300.00.
- (c) the oral representations made by Mr. M. J. and Mr. M. at the meeting.
- (d) the oral representation made by the witness to the incident on 4th November 2006.
- (e) the oral representation made by the Licensing Officer taking the witness statement in relation to the incident on 4th November 2006.

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

67 APPLICATION FOR RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE – MR A. M. (REF: 9)

The Head of Environmental and Consumer Services reported on an application by Mr A. M. for the renewal 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. A. M. had been invited to attend the meeting to answer questions of the Panel on this matter. Mr. A. M. and his friend Mr. K. 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 Council's Convictions Policy;
- (b) Mr. A. M.'s convictions for the following offences:-
 - (i) the fact that Mr. A. M. Perverted the Course of Justice on 23rd December 2005 for which he was convicted on 21st December 2006 and imprisoned for 14 days and disqualified from driving for 6 months.

- (ii) the fact that Mr. A. M. exceeded the statutory speed limit on a public road on 6th October 2002 for which he received 3 penalty points; and
- (iii) the fact that Mr. A. M. exceeded the statutory speed limit on a public road on 24th October 2003 for which he received 3 penalty points.

- (c) that to renew the Licence would be a departure from the Council's Convictions Policy and
- (d) the oral representations made by Mr A. M. and his friend Mr K.

that the Licence be **REFUSED** under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 on the ground that the Panel were not satisfied that the applicant was fit and proper person to hold a Private Hire Driver's Licence.

68 APPLICATION FOR RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE – MR A. M. (REF: 10)

The Head of Environmental and Consumer Services reported on an application by Mr. A. M. 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. A. M. had been invited to the meeting to answer question of the Panel on this matter. Mr. A. 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.

Resolved: That having regard to:-

- (a) the Council's Convictions Policy;
- (b) Mr. A. M.'s convictions for the following offences:
 - (i) the fact that Mr. A. M. had exceeded the speed limit on a public road SP30 on 21st July 2004 which he was convicted on 2nd February 2005 and received 3 penalty points on his driver's licence and a £60.00 fine;

- (ii) the fact that Mr. A. M. had exceeded the speed limit on a public road SP30 on 25th February 2006 which he received 3 penalty points on his driver's licence;
- (iii) the fact that Mr. A. M. exceeded the speed limit on a public road SP30 on 5th March 2006 and received 3 penalty points on his driver's licence;
- (iv) the fact that Mr. A. M. exceeded the speed limit on a public road SP30 on 19th July 2006 for which he was convicted on 19th January 2007 and received 3 penalty points on his driver's licence and £100.00 fine;
- (c) the fact that the applicant failed to declare these last two speeding offences on his Driver's application but made the following entry "Speeding tickets have not been settled yet. An appointment has been arranged at Bedford Magistrates Court at 10.30 am on 2nd February 2007." Mr A. M. informed the Panel that he had committed a further speeding offence that he had not declared to the Licensing Enforcement Officer and following his court appearance on 2nd February 2007 was disqualified from driving until the end of November 2007;
- (d) that to grant his licence would be a departure from the Council's Convictions policy; and
- (e) the statement and oral representations made by Mr. A. M. at the meeting.

the application be **REFUSED** under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act, 1976 on the grounds that in view of the convictions and facts detailed above the Panel were not satisfied the Mr. A. M. was not a fit and proper person to hold a Private Hire Driver's Licence.

69 **APPLICATION FOR REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – MR M. A. Q. (REF: 11)**

The Head of Environmental and Consumer Services invited the Panel to consider whether Mr M. A. Q. was a fit and proper person to continue to hold a Private Hire Driver's Licence.

Mr M. A. Q. had been invited to attend the meeting to answer questions of the Panel. Mr M. A. Q. was not present at the meeting nor had he given any prior notification of his non-attendance. This was the second subsequent

occasion that Mr M. A. Q. had failed to attend the meeting, therefore the Panel considered the review in his absence.

Resolved: That having regard to:-

- (a) the Council's Convictions Policy
- (b) Mr M. A. Q.'s convictions for the following offences:-
 - (i) Common Assault which he committed on 28th October 2006 and was cautioned on 12th November 2006; and
 - (ii) Plying for Hire which he committed on 12th August 2005 and was convicted on the 30th January 2006 and was fined £50 with costs of £100;
- (c) that to Grant the Licence would be a departure from the Council's Convictions Policy; and
- (d) the written report and evidence provided by Licensing Officers.

that Mr M. A. Q.'s Private Hire Driver's Licence be **REVOKED** under Section 61(1) of the Local Government (Miscellaneous Provisions) Act, 1976 on the grounds that in view of the convictions detailed above, the Panel were not satisfied that Mr M. A. Q was a fit and proper person to continue to hold a Private Hire Driver's Licence.

(Note: The meeting ended at 8.55 pm)