

## **TAXI & PRIVATE HIRE LICENSING PANEL (385)**

**11<sup>th</sup> APRIL 2012 at 6.00 PM**

**PRESENT:** Councillors A. Khan, Shaw and Saleem

### **21. ELECTION OF CHAIR (REF: 1)**

**Resolved:** That Councillor Shaw be elected Chair of Panel No. 385.

### **22. MINUTES (REF: 2.1)**

**Resolved:** That the minutes of the meeting of the Panel held on 13<sup>th</sup> March 2012 be taken as read, approved as a correct record and the Chair be authorised to sign them.

### **23. PROPOSAL FOR NEW STREET TRADING TRAILER – MR CHRISTOPHER BIEGALA, FLOWER RACK, PITCH 4, GEORGE STREET (REF: 5)**

The Head of Business and Consumer Services invited the Panel to consider the application for the proposal of a new street trading trailer for the Flower Rack on George Street, Luton, to replace the current trailer (Ref: 5).

The applicant's street trading consent for the Flower Rack was issued for Pitch 4, but currently occupied a temporary location due to works being carried out in George Street. On 5<sup>th</sup> July 2011, he applied to the Panel for permission to leave the trailer in position overnight, which was refused.

The Panel was informed that there were concerns about the size of the trailer, which might impede access by emergency vehicles. The applicant was requested to submit a proposal for a new trailer, subject to the Panel's approval. The application was finally received in February and was appended to the report.

The Panel was also requested to consider a supplementary report, relating to the applicant's proposal to return to his original Pitch 4, with a smaller trailer. The Panel was informed that the Highway Services and the Police did not support the proposal.

The applicant, who was accompanied by his brother, addressed the Panel, requesting that his application be considered sympathetically on commercial grounds. He said he had been in business since the 1980s, and had a good customer base and trying to make a success of his business, despite a drop of about 25% in takings in the last year. He said that any additional costs for the new trailer and vehicle to tow it could prompt him to consider moving his business elsewhere. He said he would be amenable to moving his trailer to a nearby location outside the restricted area overnight, if given a parking permit. He also said he would

consider swapping to Pitch 6, with a new smaller trailer, if more acceptable.

**Resolved:** (i) That after careful consideration, consent be **GRANTED** for a smaller trailer to be located on Pitch 6;

(ii) That the Head of Business and Consumer Services be authorised to engage with the applicant and agree the exact dimensions for the new smaller trailer, together with the extent of any display of goods outside the trailer, within one month of the Panel Hearing, i.e. on or before 11th May 2012, and once the size of the trailer is agreed, the new trailer be in place within three months of the meeting, i.e. on or before 11 July 2012;

(iii) That, in the event of the applicant's failure to agree with the Head of Business and Consumer Services, reasonable proposal in relation the matters at (ii) above, the case be referred back to the Panel, to review the applicant's street trading consent.

#### **24. 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.

#### **25. PRIVATE HIRE DRIVER'S LICENCE – RENEWAL – MR W. H. (REF: 7)**

The Head of Business and Consumer Services reported on an application by Mr W. 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. W. H. had been invited to attend the meeting to speak in support of his application. Mr W. 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 W. H. was given the opportunity to challenge the contents of the report of the Head of Business and Consumer Services, but did not dispute the information contained therein.

**Resolved:** (i) That having regard to:

(a) the Council's Convictions Policy;

(b) Mr. W. H.'s remorse and the Panel determination that there were exceptional circumstances giving rise to the offences concerned, that is, the problems with Aylesbury District Vale Council's licensing regime which allowed the offence to occur, justifying a departure from the Council's policy;

(c) the statements made by Mr. W. H. prior to the meeting and the oral representations made by him at the meeting;

the application by Mr. W.H. for the renewal of his Private Hire Driver's Licence be **APPROVED** for a period of **ONE YEAR**, subject to compliance with the Council's pre-licensing requirements and the condition at (ii) below;

(ii) That Mr W. H. be **WARNED** in the strongest possible terms that, were he to be subject of any further convictions or complaints regarding his conduct during this **ONE YEAR** period, his Private Hire Driver's Licence would be immediately suspended and the matter referred back to Panel.

## **26. PRIVATE HIRE DRIVER'S LICENCE – GRANT – MR M. S. K. (REF: 8)**

The Head of Business and Consumer Services reported on an application by Mr. M. S. K. 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. S. K. had been invited to attend the meeting to speak in support of his application. Mr M. S. K. 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. S. K. was given the opportunity to challenge the contents of the report of the Head of Business and Consumer Services but did not dispute the information contained therein.

Mr M. S. K. submitted a number of character references from the following:

1. Mr Paul Herbert, Managing Director, Jade Security, his former employer;
2. Mr Allama Qazi Abdul Aziz Chisti, Imam at the Jamia Trust;
3. Mr Zulfqar Ahmed, Chair of the Dallow Development Trust.

The Panel considered these documents.

**Resolved:** (i) That having regard to:

(a) the Council's Convictions Policy;

- (b) Mr. M. S. K.'s remorse and the Panel determination that there were exceptional circumstances, in that Mr. M. S. K. had kept a clean record since 2002, and noting that his conviction for common assault in 2009, was the lowest level of offences against the person, which occurred whilst he was lawfully evicting a person from licensed premises, and that the contact with the victim was minor and caused no injury;
- (c) the statements made by Mr. M. S. K. prior to the meeting, the oral representations made by him at the meeting;
- (d) The character references supplied by Mr. M. S. K,

the application by Mr. M. S. K. for the grant of Private Hire Driver's Licence be **APPROVED** for a period of **ONE YEAR**, subject to compliance with the Council's pre-licensing requirements, and the condition at (ii) below;

(ii) That Mr M. S. K. be **WARNED** in the strongest possible terms that, were he to be subject any further convictions or complaints regarding his conduct during this **ONE YEAR** period, his Private Hire Driver's Licence would be immediately suspended and the matter referred back to Panel.

## **27. PRIVATE HIRE DRIVER'S LICENCE – REVIEW – MR T. A. (REF: 9)**

The Head of Business and Consumer Services invited the Panel to consider whether Mr. T. A. should continue to hold a Private Hire Driver's Licence, following his breach of the Council's standard conditions.

Mr. T. A. had been invited to attend the meeting to answer questions of the Panel on this matter. Mr. T. A., accompanied by a friend, Sirfraz Choudhury and an interpreter, Sobia Anwar, 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. T. A. was given the opportunity to challenge the contents of the report of the Head of Business and Consumer Services, but did not dispute the information contained therein.

**Resolved:** (i) That having regard to:

- (a) the Council's Convictions Policy;
- (b) Mr. T. A.'s remorse for leaving the untaxed Private Hire Vehicle on the highway, and the Panels' acceptance that the breaches resulted from a misunderstanding;
- (c) the statements made by Mr. T. A. prior to the meeting and the oral representations made by him at the meeting;

(d) The oral statement read out at the meeting by Mr Choudhury, on MR. T. A.'s behalf;

that Mr. T.A.'s Private Hire Driver's Licence be **ALLOWED** to continue until its expiry date of 30 June 2012;

(ii) That Mr T. A. 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;

(iii) That Mr T. A also be reminded of the need to submit a renewal application in good time before 30 June 2012 otherwise his licence will expire;

(iv) Mr T. A. be reminded of the need to show respect to Council Officers and to co-operate fully with them with respect to licensing matters.

**(Notes: The meeting ended at 7.50 p.m.)**