

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Wednesday, 2nd February, 2011 at The Tatton Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor P Whiteley (Chairman)

Councillors C Andrew, Rhoda Bailey, H Davenport and A Ranfield

OFFICERS PRESENT

Mrs N Cadman (Licensing Enforcement Officer), Mr J Hopper (Licensing Enforcement Officer) and Mrs K Khan (Licensing Solicitor),

29 APPOINTMENT OF CHAIRMAN

RESOLVED

It was moved and seconded that Councillor P Whiteley be appointed as Chairman for the meeting.

30 APOLOGIES FOR ABSENCE

None.

31 DECLARATIONS OF INTEREST

None.

32 EXCLUSION OF THE PUBLIC AND PRESS

To consider passing a resolution under Section 100(A)(4) of the Local Government Act 1972 to exclude the public and press from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information in accordance with paragraphs 1 and 2, pursuant to part 1 of Schedule 12 (A) of the Act.

RESOLVED

That the Exclusion Resolution be moved as printed.

33 10-11/10-CONSIDERATION OF FITNESS TO HOLD A HACKNEY CARRIAGE DRIVER LICENCE

The Sub-Committee considered a report regarding the future of a Hackney Carriage Driver Licence.

The Sub-Committee's attention was drawn to the Council's Statement of Policy about Relevant Convictions and Members were invited to consider if the Licence Holder was a "fit and proper" person to hold a licence.

The Licence Holder and his father were in attendance throughout the hearing and spoke in support of the Licence.

At this point in the proceedings, the Licence Holder, his Father and the Licensing Officer withdrew from the meeting whilst the Sub-Committee reached its decision.

Following full consideration of the report, taking into account all the evidence, including written and oral representations, the Sub-Committee determined the future of the Licence.

The Licence Holder, his Father and the Licensing Officer re-joined the meeting to be informed of the Sub-Committee's decision.

RESOLVED –

That the Licence Holder remained a fit and proper person to hold a hackney carriage drivers Licence and therefore resolved to take no formal action in relation to the future of the Licence.

However, the Sub-Committee wished to give the Licence Holder a formal warning about any future conduct. The Licensing Authority would take a very serious view of any future convictions and the Licence Holder was made aware that any such convictions could place the future of the Licence in jeopardy. The Licence Holder was also reminded about the importance of compliance with the conditions on the Licence, in particular those relating to the reporting of any convictions.

34 10-11/11-CONSIDERATION OF FITNESS TO HOLD A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding the future of a Joint Hackney Carriage/Private Hire Driver Licence.

Members were invited to consider if the Licence Holder was a "fit and proper" person to hold a Licence.

The Licence Holder was in attendance throughout the hearing and spoke in support of the Licence. In addition the complainant and a witness for the Licence Holder individually were called to provide evidence following which they withdrew from the hearing.

At this point in the proceedings, the Licence Holder and the Licensing Officers withdrew from the meeting whilst the Sub-Committee reached its decision.

Following full consideration of the report, taking into account all the evidence, including written and oral representations, the Sub-Committee determined the future of the Licence.

The Licence Holder and the Licensing Officers re-joined the meeting to be informed of the Sub-Committee's decision.

RESOLVED –

The Sub-Committee determined, that whilst it took a very serious view of any form of inappropriate behaviour by taxi drivers, including public disputes between any driver and another driver on the rank, it was not proportionate in the circumstances to take any formal action in relation to the future of the Licence.

However, the Sub-Committee wished to highlight the fact that it expected a very high standard of behaviour from its Licensed drivers and expected the Licence Holder to conform to this standard. The Sub-Committee would take a very serious view of any further substantiated complaints made against the Licence Holder about his behaviour and conduct towards other drivers.

(The meeting adjourned at 1.25pm and reconvened at 1.30pm)

35 10-11/12-CONSIDERATION OF FITNESS TO HOLD A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding the future of a Joint Hackney Carriage/Private Hire Driver Licence.

Members were invited to consider if the Licence Holder was a “fit and proper” person to hold a Licence.

The Licence Holder was in attendance throughout the hearing and spoke in support of the Licence. In addition the two complainants and a witness for the Licence Holder individually were called to provide evidence following which they withdrew from the hearing.

At this point in the proceedings, the Licence Holder and the Licensing Officers withdrew from the meeting whilst the Sub-Committee reached its decision.

Following full consideration of the report, taking into account all the evidence, including written and oral representations, the Sub-Committee determined the future of the Licence.

The Licence Holder and the Licensing Officers re-joined the meeting to be informed of the Sub-Committee’s decision.

RESOLVED –

The Sub-Committee has determined that, whilst it took a very serious view of any form of inappropriate behaviour by taxi drivers, including public disputes between any driver and another driver on the rank, it was not proportionate in the circumstances to take any formal action in relation to the future of the Licence.

However, the Sub-Committee wished to highlight the fact that it expected a very high standard of behaviour from its Licensed drivers and expected the Licence Holder to conform to this standard. The Sub-Committee would take a very serious view of any future substantiated complaints made against the Licence Holder about his behaviour and conduct towards other drivers.

The meeting commenced at 10.00 am and concluded at 3.00 pm

Councillor P Whiteley (Chairman)