

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Monday, 20th June, 2011 at Committee Suite 2/3 - Westfields,
Middlewich Road, Sandbach, CW11 1HZ

PRESENT

Councillor P Whiteley (Chairman)

Councillors Rhoda Bailey, H Davenport, L Gilbert and I Faseyi

OFFICERS IN ATTENDANCE

Mrs K Khan, Solicitor
Mr J Hopper, Licensing Officer
Mr P Simester, Licensing Officer
Mrs C Jones, Democratic Services Officer

1 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

2 APOLOGIES FOR ABSENCE

There were no apologies for absence.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 as appropriate of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

5 11-12/01 - APPLICATION FOR EXEMPTION FROM THE REQUIREMENT TO DISPLAY LICENCE PLATES ON A PRIVATE HIRE VEHICLE AND REMOVAL OF PRIVATE HIRE CONDITIONS

The Sub-Committee considered a report regarding an application for a private hire vehicle licence, a request to waive condition 2.7 of the Private Hire Vehicle Conditions in relation to tinted windows, and a request to exempt the vehicle from the requirements to display signage and display licence plates to the front and rear of the vehicle, as required by conditions

7 and 8 of Cheshire East Council's Private Hire Vehicle Licensing Conditions.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application should be granted.

The applicant attended the hearing and made representations in respect of his application.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, including the applicant's oral representations, the following course of action had been agreed.

RESOLVED

- (a) That a private hire vehicle licence be granted, subject to the vehicle passing an inspection at the Council's approved test centre.
- (b) That condition 2.7 of Cheshire East Council's Private Hire Vehicle Licensing Conditions in relation to tinted windows be waived.
- (c) That special condition 10 of Cheshire East Council's Private Hire Vehicle Licensing Conditions be attached to the licence, thereby exempting the vehicle from the requirement to display signage (condition 7) and from the requirement to display licence plates to the front and rear of the vehicle (condition 8).

6 **11-12/02 - CONSIDERATION OF FITNESS TO HOLD A HACKNEY CARRIAGE DRIVER LICENCE**

The Sub-Committee considered a report regarding a complaint made against the holder of a Hackney Carriage Driver's Licence which involved allegations of incivility and of parking a licensed Hackney Carriage vehicle in a designated disabled parking bay.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the licence holder remained a fit and proper person to hold a Hackney Carriage Driver's Licence.

The licence holder and the complainant attended the hearing and made representations in respect of the complaint.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all

the evidence, including the complainant's and the licence holder's oral representations, the following course of action had been agreed.

RESOLVED

- (a) That the licence holder remains a fit and proper person to hold a Hackney Carriage Driver's Licence;
- (b) That a warning be issued to the licence holder in respect of his future conduct and the importance both of treating all members of the public in a civil manner and of complying with the parking restrictions about disabled spaces.

7 11-12/03 - APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant and a representative of the applicant attended the hearing and made representations in respect of the application.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that after taking account of all of the evidence, including the applicant's oral representations, the following course of action had been agreed.

RESOLVED – That the applicant is a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence and that the application for a licence be granted, subject to a review twelve months after the date of issue to allow the applicant to demonstrate that he continues to be a fit and proper person to hold a hackney carriage/private hire driver's licence. On review, the licence holder will be required to produce to Licensing Officers a reference from his employer and his DVLA driving licence.

The applicant was reminded of the right to appeal this decision to the Magistrates Court within 21 days.

8 11-12/04 - APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant and a representative of the applicant attended the hearing and made representations in respect of his application.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that after taking account of all the evidence, including the oral representations of the applicant's representative, the following course of action had been agreed.

RESOLVED – That the applicant is not a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence at this time and that the application be refused.

The applicant was reminded of the right to appeal this decision to the Magistrates Court within 21 days.

The meeting commenced at 2.00 pm and concluded at 5.00 pm

Councillor P Whiteley (Chairman)