

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Monday, 22nd October, 2012 at The Tatton Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor P Whiteley (Chairman)

Councillors W S Davies, M Hardy and D Mahon

OFFICERS IN ATTENDANCE

Fiona Crane, Lawyer
Kim Evans, Licensing Team Leader
Jim Hopper, Licensing Officer
Julie Zientek, Democratic Services Officer

33 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

34 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M Parsons.

35 DECLARATIONS OF INTEREST

There were no declarations of interest.

36 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 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

37 12-13/17 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding a complaint which had been made against the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter 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 Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder, a representative of the licence holder and a witness attended the hearing and made representations.

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, the following course of action had been agreed.

RESOLVED

- (a) That the Licence Holder remains a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence and that no formal action be taken in relation to the future of their licence.
- (b) That a formal warning be issued in respect of the Licence Holder's future behaviour.

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

38 12-13/18 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application to renew a Joint Hackney Carriage/Private Hire Driver's Licence. At a meeting of the General Licensing Sub-Committee on 17 September 2012, consideration of this matter had been deferred, to allow the applicant to attend the meeting.

The Sub-Committee was informed that the matter 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 applicant remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

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

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, the following course of action had been agreed.

RESOLVED – That the applicant remains a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence and that the application to renew the licence be granted.

39 12-13/19 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application to renew a Joint Hackney Carriage/Private Hire Driver's Licence. During the application process, two convictions had come to light which had not been reported to the Licensing Section, contrary to the Council's Hackney Carriage/Private Hire Driver's Licence Conditions.

The Sub-Committee was informed that the matter 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 applicant remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

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

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, the following course of action had been agreed.

RESOLVED – That the applicant remains a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence and that the application to renew the licence be granted.

40 12-13/20 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application to renew a Joint Hackney Carriage/Private Hire Driver's Licence. At a meeting of the General Licensing Sub-Committee on 26 September 2012, consideration of this matter had been deferred, to allow the applicant to attend the meeting.

The Sub-Committee was informed that the matter 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 applicant remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The applicant attended the hearing and made representations.

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, the following course of action had been agreed.

RESOLVED – That the applicant is not a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence, and that the application to renew the licence be refused.

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

41 12-13/21 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application to renew a Joint Hackney Carriage/Private Hire Driver's Licence. At a meeting of the General Licensing Sub-Committee on 29 June 2012, Members had determined that this renewal application would be referred to a meeting of the General Licensing Sub-Committee for consideration.

The Sub-Committee was informed that the matter 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 applicant remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

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

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, the following course of action had been agreed.

RESOLVED – That the applicant remains a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence, and that the application to renew the licence be granted.

42 12-13/22 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding a complaint which had been made against the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter 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 Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder and a representative of the licence holder attended the hearing and made representations.

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, the following course of action had been agreed.

RESOLVED

- (a) That the Licence Holder remains a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence and that no formal action be taken in relation to the future of their licence.
- (b) That a formal warning be issued in respect of the Licence Holder's conduct.

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

43 12-13/23 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application to renew a Joint Hackney Carriage/Private Hire Driver's Licence. During the application process, two convictions had come to light which had not been reported to the Licensing Section, contrary to the Council's Hackney Carriage/Private Hire Driver's Licence Conditions.

The Sub-Committee was informed that the matter 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 applicant remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

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

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, the following course of action had been agreed.

RESOLVED – That the applicant remains a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence, and that the application to renew the licence be granted.

The meeting commenced at 10.00 am and concluded at 6.00 pm

Councillor P Whiteley (Chairman)