

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Monday, 19th November, 2012 at The Tatton Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor P Whiteley (Chairman)

Councillors C Andrew, H Davenport, D Mahon and L Smetham

OFFICERS IN ATTENDANCE

Sarah Baxter, Democratic Services Officer

Fiona Crane, Lawyer

Kim Evans, Licensing Team Leader

Jim Hopper, Licensing Officer

44 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

45 APOLOGIES FOR ABSENCE

There were no apologies for absence.

46 DECLARATIONS OF INTEREST

There were no declarations of interest.

47 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.

48 12-13/24 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding two complaints 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 his Solicitor 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 Licence Holder no longer remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence and there was reasonable cause not to renew the Licence at this time. Since the Licence had already expired the Sub-Committee therefore determined it was not appropriate to consider a renewal prior to 2nd January 2013.

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

(The meeting was adjourned for a short break).

49 12-13/25 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application for a renewal of a 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 his Employer 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 a formal warning be given to the Licence Holder for failing to notify the Council of the conviction in accordance with the conditions on the Licence Holder's Joint Hackney Carriage/Private Hire Driver Licence.

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

50 12-13/26 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 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 the evidence, 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 three year licence be granted subject to the successful completion of the Council's hackney carriage/private hire theory test.

(The meeting adjourned from 1.00pm until 1.40pm for lunch).

51 12-13/27 APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE

As the applicant was unable to attend the meeting, the item was adjourned.

52 12-13/28 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding two complaints 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 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 Licence Holder no longer remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence and that the Licence be revoked.

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

The meeting commenced at 10.00 am and concluded at 3.15 pm

Councillor P Whiteley (Chairman)