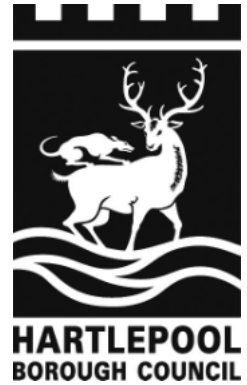


HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING SUB- COMMITTEE AGENDA



Monday 30 April 2012

at 2.00 pm

in Committee Room A, Civic Centre, Hartlepool

**MEMBERS: HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING
SUB-COMMITTEE:**

Councillors Fleming, Lawton, A Lilley, Shields and Tempest.

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
 - 3.1 To confirm the minutes of the meeting held on 29 February 2012
- 4. ITEMS FOR INFORMATION**

No items
- 5. ANY OTHER ITEMS THE CHAIR CONSIDERS ARE URGENT**
- 6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985

7. ITEMS FOR DECISION

- 7.1 Private Hire Drivers Licence DAD (para 1) – *Assistant Director, Regeneration & Planning*
- 7.2 Private Hire Drivers Licence JFR (para 1) – *Assistant Director, Regeneration & Planning*
- 7.3 Private Hire Drivers Licence PAG (para 1) – *Assistant Director, Regeneration & Planning*
- 7.4 Private Hire Drivers Licence PDF (para 1) – *Assistant Director, Regeneration & Planning*
- 7.5 Hackney Carriage Licence LAQ (para 1) – *Assistant Director, Regeneration & Planning*

8. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIR CONSIDERS ARE URGENT



LICENSING COMMITTEE

Procedure for Contentious Matters Relating To Hackney Carriage/Private Hire Licence Sub Committee

The hearing will be in private and not open to the press or members of the public. The applicant/ appellant will be entitled to be represented by a solicitor or other person.

In advance of the commencement of the meeting (or consideration of an individual case) the Democratic Services Officer shall establish the identity of those present, who they represent and who intends, or wishes, to speak. The officer should also if possible, outline the procedure to the representatives before the meeting commences.

1. Chairman's opening comments.
2. The Democratic Services Officer representative will indicate which parties are present at the meeting and will briefly outline the procedure (if not already done).
3. The Assistant Director (Community Safety and Protection) (or representative) will outline the facts, adding any additional information as is necessary.
4. Members of the Committee will have an opportunity to ask any questions of the officer.
5. The Assistant Director (Community Safety and Protection) (or representative) will call any further witnesses or persons (including a Police Officer) to comment. Members will again have the opportunity to ask questions.
6. The applicant/appellant (or representative) will then put his/her case.
7. Members of the Committee will have an opportunity to ask any questions of the applicant/ appellant.
8. The applicant/appellant (or nominated representative) may call further witnesses or persons to comment. Members will again have the opportunity to ask questions.
9. All persons other than Committee members will then withdraw whilst the matter is considered and a decision reached.
10. Should members require further information at stage, all parties are to be invited to return.
11. All parties will be recalled to hear the decision of the members.

P.T.O.

12. Should the decision go against the applicant/appellant, he/she will be informed verbally of the right of appeal to the Magistrates Court.
13. The decision will then be communicated to the applicant/appellant in writing as soon as practicable together with details of the right of appeal to the Magistrates Court within 21 days.

NOTES

Members of the Committee should ask only specific relevant questions and avoid debating the issue until all parties have withdrawn.

Only members present during the whole of the hearing should be involved in the decision making process.

An application for adjournment should be granted by the Chairperson at any time during the proceedings, if it is felt that the applicant/appellant is not receiving a fair hearing.

NO CROSS EXAMINATION IS TO TAKE PLACE AT THE MEETING.

Each party is to be allowed to make representation to the Members without interruption.

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING SUB-COMMITTEE

MINUTES AND DECISION RECORD

29 FEBRUARY 2012

The meeting commenced at 10.00 a.m. in the Civic Centre, Hartlepool

Present:

Councillor Jonathan Brash (in the Chair);

Councillors: Allan Barclay, Sheila Griffin, Geoff Lilley and Ray Wells.

Officers: Ian Harrison, Principal Trading Standards and Licensing Officer
Tony MacNab, Solicitor
David Cosgrove, Democratic Services Team

32. Apologies for Absence

None.

33. Declarations of Interest by Members

None.

34. Confirmation of the minutes of the meeting held on 29 November 2011

The Chair referred to the decision set out in the exempt section of the minutes. The Chair commented that following the meeting he had been contacted by Councillor G Lilley who was present at the meeting. Councillor G Lilley confirmed at this meeting that he had requested that his vote against the decision of the sub committee be recorded. Councillor G Lilley acknowledged that as this request had not been made at the time the decision was made, it could not be entered into the minutes of the meeting held on 29 November, subsequently reconvened on 12 January 2012. Councillor G Lilley wished to record at this meeting that he had voted against the decision which the Chair and Members present noted.

The minutes were then confirmed.

35. Confirmation of the minutes of the meeting held on 27 January 2012

Confirmed.

36. Any Other Items which the Chairman Considers are Urgent

None.

37. Local Government (Access to Information) (Variation) Order 2006

Under Section 100 (A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of the Schedule 12A of the Local Government Act 1972 as amended by the local Government (Access to Information)(Variation) Order 2006 namely information relating to any individual.

Minute 38 - Private Hire Drivers Licence – PF
Minute 39 - Private Hire Drivers Licence – DAB
Minute 40 - Private Hire Drivers Licence – WPD
Minute 41 - Private Hire Drivers Licence – RTW

In advance of the sub committee considering the four reports on the agenda, Members sought advice from the Solicitor and Principal Trading Standards and Licensing Officer in relation to their options in consideration of three of the reports which related to drivers who had accumulated nine or more penalty points on the DVLA driving licence. Members discussed the options available to them, the costs associated with them and the impact of the options on licensed Hackney Carriage/Private Hire drivers.

38. Private Hire Drivers Licence PF – Assistant Director, Regeneration and Planning. This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual – Para 1.

The sub committee considered what action, if any, should be taken against licensed Hackney Carriage/Private Hire driver PF who had accumulated nine or more penalty points on their DVLA driving licence.

Decision

Details of the sub committee's decision is set out in the exempt section of the minutes.

- 39. Private Hire Drivers Licence DAB** – *Assistant Director, Regeneration and Planning*. This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual – Para 1.

The sub committee considered an application for a private hire drivers licence by Mr AB.

Decision

Details of the sub committee's decision is set out in the exempt section of the minutes.

- 40. Private Hire Drivers Licence WPD** – *Assistant Director, Regeneration and Planning*. This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual – Para 1.

The sub committee considered what action, if any, should be taken against licensed Hackney Carriage/Private Hire driver WPD who had accumulated nine or more penalty points on their DVLA driving licence.

Decision

Details of the sub committee's decision is set out in the exempt section of the minutes.

- 41. Private Hire Drivers Licence RTW** – *Assistant Director, Regeneration and Planning*. This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual – Para 1.

The sub committee considered what action, if any, should be taken against licensed Hackney Carriage/Private Hire driver RTW who had accumulated nine or more penalty points on their DVLA driving licence.

Decision

Details of the sub committee's decision is set out in the exempt section of the minutes.

The meeting concluded at 12.45 p.m.

CHAIR