

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

13TH OCTOBER 2011

PRESENT:- Councillors Shirley Burns, Sheila Denwood, Jonathan Dixon, Mike Greenall, Billy Hill, Tony Johnson Tracey Kennedy, Robert Redfern and Margaret Pattison (substitute).

Apologies for Absence

Councillor John Harrison

Officers in attendance:-

Wendy Peck	Licensing manager
Luke Gorst	Assistant solicitor
Rod Prentice	Licensing enforcement officer
Tom Silvani	Democratic support officer

31 MINUTES OF THE MEETING HELD ON 1 SEPTEMBER 2011

The minutes of the previous meeting were signed by the vice-chairman as a correct record.

32 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

The vice-chairman advised that there was one item of urgent business. This was an item regarding an existing dual hackney carriage and private hire drivers licence belonging to Lee Michael McDermott (Minute 33 refers).

33 DECLARATIONS OF INTEREST

There were no declarations of interest.

34 EXEMPT ITEM:-

In accordance with Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following item of business on the grounds that it could involve the possible disclosure of exempt information as defined in paragraph 1 of Schedule 12 of the Act.

35 EXISTING DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE - LEE MICHAEL MCDERMOTT

The licensing manager introduced a report to enable members to consider what action, if any, to take in respect of Mr. McDermott's dual hackney carriage and private hire driver's licence.

Details of the individual case and the vice-chairman's summary of the decision are set out in exempt minute no. 35, in accordance with Section 100A of the Local Government Act 1972.

It was proposed by Councillor Burns and seconded by Councillor Kennedy: -

“That the officer decision to suspend Mr. McDermott’s dual hackney carriage and private hire driver’s licence be overturned, and that the licence be reinstated.”

Upon being put to the vote 5 members voted in favour of the proposition and 2 against, with 2 abstentions, whereupon the chairman declared the proposition to be carried.

Resolved:

That the officer decision to suspend Mr. McDermott’s dual hackney carriage and private hire driver’s licence be overturned, and that the licence be reinstated.

36 EXEMPT ITEM:-

In accordance with Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following item of business on the grounds that it could involve the possible disclosure of exempt information as defined in paragraph 1 of Schedule 12 of the Act.

37 EXISTING HACKNEY CARRIAGE LICENCE - JOHN ANDREW KAY (PAGES 1 - 6)

Details of the individual case and the Chairman’s summary of both decisions are set out in exempt minute no. 37, in accordance with Section 100A of the Local Government Act 1972.

The licensing manager introduced a report to enable members to consider what action, if any, to take in respect of Mr. Kay’s hackney carriage driver’s licence.

Following the introduction of the report, the committee were advised by Mr. Kay’s legal representative Miss Forrest that she would like to request that consideration of the item be deferred until the next meeting of the committee in order to allow witnesses to attend the meeting and to give more time to gather evidence. The committee agreed to consider this request, and it was agreed that those present should be asked to leave the meeting in order that exempt legal advice could be considered by the committee.

The licensing manager, the licensing enforcement officer, Mr. Kay, Miss. Forrest, P.C. Head and P.C. Hodgson left the meeting at this point whilst members considered the options before them.

It was proposed by Councillor Kennedy and seconded by Councillor Burns:-

“That the committee do not approve the request for the hearing to be adjourned, and that the matter be considered today.”

Upon being put to the vote 7 members voted in favour of the proposition with 2 abstentions, whereupon the vice-chairman declared the proposition to be carried.

Resolved:

That the committee do not approve the request for the hearing to be adjourned, and that the matter be considered today.

The licensing manager, the licensing enforcement officer, Mr. Kay, Miss. Forrest, P.C. Head and P.C. Hodgson returned to the meeting at this point.

It was proposed by Councillor Johnson and seconded by Councillor Burns: -

“That Mr. Kay’s hackney carriage driver’s licence be suspended for a period of one calendar month with immediate effect, from the day following this hearing.”

Upon being put to the vote 8 members voted in favour of the proposition with 1 abstention, whereupon the vice-chairman declared the proposition to be carried.

Resolved:

That Mr. Kay’s hackney carriage driver’s licence be suspended for a period of one calendar month with immediate effect, from the day following this hearing.

Before consideration of the following item Councillor Hill left the meeting.

38 CONFIDENTIAL ITEM:-

In accordance with Section 100A(2) of the Local Government Act 1972, the press and public were excluded for the following item of business on the grounds that it could include the possible disclosure of confidential information.

39 APPLICATION FOR A PRIVATE HIRE DRIVER’S LICENCE - JOSEPH JAMES MITCHELL (PAGES 7 - 9)

The licensing manager introduced a report to enable members to consider Mr. Mitchell’s application for a private hire driver’s licence.

Details of the individual case and the chairman’s summary of the decision are set out in confidential minute no. 39 in accordance with Section 100A(2) of the Local Government Act 1972.

It was proposed by Councillor Redfern and seconded by Councillor Johnson: -

“That Mr. Mitchell’s application for a private hire driver’s licence be approved.”

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the chairman declared the proposition to be carried.

Resolved:

That Mr. Mitchell’s application for a private hire driver’s licence be approved.

Chairman

(The meeting ended at 4.20 p.m.)

**Any queries regarding these Minutes, please contact
Tom Silvani, Democratic Services - telephone (01524) 582132 or email
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