

NORTHAMPTON BOROUGH COUNCIL

LICENSING COMMITTEE

Tuesday, 27 October 2009

PRESENT: Councillor Wilson (Chair); Councillor I Markham (Deputy Chair); Councillors Caswell, S Chaudhury, I Choudary, R Conroy, Duncan and Reeve

1. APOLOGIES

There were none.

2. MINUTES

The Minutes of the meeting of 15 September 2009 were agreed as a true record and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

The persons referred to in the items on the private agenda were granted leave to address the Committee.

4. DECLARATIONS OF INTEREST

Councillor I Choudary declared a personal and prejudicial interest in item 9, "Review of a Private Hire Driver's Licence" as he was an acquaintance of the driver referred to.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

- (1) Members acknowledged the decision of Council the previous evening to increase the number on the Licensing Committee by one Member, that person being a member of the newly formed Independent Group.
- (2) Councillor Caswell asked that a record be made of his request for a clock be hung in the meeting room.
- (3) The Solicitor reported on the successful outcome of an appeal made by a former taxi driver who had previously come before the Committee. The Committee's decision had been upheld and the Council had been awarded £750 in costs. The Committee expressed their appreciation of the Magistrates' support in the matter.

6. EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such Act.

The Motion was Carried.

7. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Committee, being satisfied that the Private Hire Driver had received adequate notification of the Meeting, agreed to hear the matter in his absence.

The Committee listened to the evidence presented in relation to the driver's loss of driving licence owing to the 'totting-up' procedure.

RESOLVED

- (1) That the Driver was not a fit and proper person to hold a Private Hire Licence
- (2) That the driver's application for the renewal of his Private Hire Licence be refused.

8. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Committee heard the representations made and reached a decision with regard to the suspension or revocation of the driver's private hire licence based on the evidence presented.

RESOLVED

- (1) That the driver was not a fit and proper person to continue to hold a Private Hire Driver's Licence.
- (2) That the Private Hire Driver's Licence be revoked with immediate effect under of Section 61 sub section 2B of the Local Government (Miscellaneous Provisions) Act 1976.

9. REVIEW OF A HACKNEY DRIVER'S LICENCE

Councillor I Choudary, having declared a personal and prejudicial interest, left the meeting for the duration of this item.

The Committee read correspondence sent to the driver informing him of the hearing and were satisfied that due notice had been served. It was agreed unanimously that the case would be heard in the driver's absence. As there were no further mitigating circumstances presented to the Committee, they made a decision based on the information contained in the report.

RESOLVED

- (1) That the driver was not a fit and proper person to hold a Hackney Driver's Licence.
- (2) That the Hackney Licence be revoked.

10. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Committee heard the representations made and reached a decision with regard to the suspension or revocation of the driver's private hire licence based on the evidence presented.

RESOLVED

- (1) That the driver was not a fit and proper person to hold a Private Hire Driver's Licence
- (2) That the Private Hire Driver's Licence be revoked following a period of 21 days during which the driver had the right of appeal to the Magistrates' Court.

11. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Committee heard the representations made and reached a decision with regard to the suspension or revocation of the driver's private hire licence based on the evidence presented.

RESOLVED

- (1) That the driver was not a fit and proper person to hold a Private Hire Driver's Licence
- (2) That the private hire licence be suspended for a period of six weeks.

The meeting concluded at 20:10