

Swindon Borough Council

Private Hire and Hackney Carriage Licensing Sub-Committee

Tuesday, 21 September 2010

Committee Room 1, Civic Offices (Anticipated meeting room)

At 12.30 p.m.

Conservative Councillors

Andrew Bennett
Janet Heenan
Richard Hurley
Kevin Parry
Vera Tomlinson

Labour Councillors

Junab Ali
John Ballman

Liberal Democrat Councillors

Independent Councillors

Committee Officer: Shaun Banks (Telephone 01793 463606)

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AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

3. Minutes (Pages 1 - 2)

To receive the minutes of the meeting held on 23rd August 2010.

4. Public Question Time

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

5. Exempt Items - Exclusion of Press and Public

Certain items are expected to include the consideration of exempt information and the Standards Committee is, therefore, recommended to resolve "That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the items listed below, on the grounds that they involve the likely disclosure of exempt information, as defined in the respective paragraph of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information".

<u>Item No.</u>	<u>Paragraph No.</u>
6 and 7	4

6. **Appeal against Refusal to issue a Private Hire Driver Licence** (Pages 3 - 24)
7. **Appeal against Refusal to issue a Private Hire Driver Licence** (Pages 25 - 46)

Date of Despatch: 13 September 2010

Public Question Time - Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Committee (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

Access Arrangements – The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING SUB-COMMITTEE

MONDAY, 23 AUGUST 2010

PRESENT:- Councillors Junab Ali, John Ballman, Andrew Bennett (Chair), Doreen Dart, Brian Ford, Kevin Parry (Vice-Chair) and Vera Tomlinson.

An apology for absence was received from Councillor Janet Heenan.

8. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

9. Minutes

Resolved – That the minutes of the meeting held on 2nd June 2010, be confirmed and signed as a correct record.

10. Public Question Time

In response to a question from Mr. Cousins the Chair explained the Sub-Committees areas of responsibility, explained how the Sub-Committee operated in undertaking its workload and access to papers and information relating to the Sub-Committee's agendas.

11. Exempt Items - Exclusion of Press and Public

That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in Item 7 of the Notice of the Meeting on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A to the Act. (Minute 13 refers.)

12. Review of Hackney Carriage and Private Hire Delegated Authority

The Group Director, Environment, Regeneration and Community submitted a report setting out proposed amendments to Officers' Delegated Authority regarding Hackney carriage and Private Hire Licensing.

Resolved – (1) That, subject to the agreement of the Council, the Group Director (Environment, Regeneration and Community) or nominee be authorised, under delegated authority, to suspend Private Hire or Hackney Carriage Drivers Licences under Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 when it is considered in the public interest to do so.

(2) That, subject to the agreement of the Council, the Group Director (Environment, Regeneration and Community) or nominee be authorised, under delegated authority, to allow the prohibition of Private Hire or Hackney Carriage licensed vehicles under Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 should they be found not to be roadworthy.

(3) That, further to (1) and (2) above, any suspension of Private Hire or Hackney Carriage Drivers Licences or the prohibition of Private Hire or Hackney

Carriage licensed vehicles under delegated powers be referred to the Council's Private Hire and Hackney Carriage Licensing Sub-Committee within fourteen days or as soon as practicable thereafter.

13. Review of Private Hire Drivers Licence

The Sub-Committee considered (a) a report of the Group Director, Environment, Regeneration and Community setting out an appeal against the conditions of a Private Hire Drivers Licence, (b) an oral report of the Council's Transport Officer setting out the history of the grant of the licence and reasons for the imposition of additional conditions, and (c) representations by the licence holder in support of his appeal.

Resolved –That, given the nature of the appeal, consideration of the appeal be deferred pending the outcome of a review, following a consultation exercise by the Council of Hackney Carriage Vehicle Specifications.

(2) That, further to (1) above, officers reconvene the appeal against the conditions of a Private Hire Drivers Licence as soon as possible following the conclusion of the Council's Review of Hackney Carriage Vehicle Specifications.

Agenda Item 6

By virtue of paragraph(s) 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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