

Taxi Licensing Hearing

To: Councillors Hayes, Mason and Looker

Date: Monday, 17 July 2017

Time: 10.00 am

Venue: The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

1. Chair

To elect a Member to act as Chair of the meeting.

2. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

3. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of agenda item 5 on the grounds that it contains information relating to individuals. This information is classed as exempt under Paragraphs 1 & 2 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

4. Minutes

To approve and sign the minutes of hearings held on 20 February 2017.

5. Appeal against Revocation of Private Hire Driver's Licence

Members are asked to determine an appeal against the decision to revoke a private hire driver's licence.

Democracy Officer:

Name: Laura Clark

Contact Details:

- Telephone – (01904) 554538
- Email - Laura.Clark@york.gov.uk

For more information about any of the following, please contact the Democracy Officer responsible for servicing this meeting:

- Business of the meeting
- Any special arrangements

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

CITY OF YORK COUNCIL**Gambling, Licensing and Regulatory Committee
Sub-Committee Hearing (Miscellaneous Provisions) Act 1976,
Section 61****1. Purpose of Meeting**

To consider appeals against decisions of Officers to revoke a hackney carriage or private hire driver's licence.

Section 61 requires the licensing authority to make a finding on the balance of probabilities that the grounds set out in the legislation are made out.

In Section 61(1) (a) (i) the offence in question must *involve* dishonesty, indecency or violence. Dishonesty, indecency or violence must be part of the commission of the criminal offence for this subsection to apply but it is not necessary for the offence to be one of dishonesty, indecency or violence.

Section 61(1) (b) allows suspension or revocation (or refusal to renew) for any other reasonable cause. No further definition is given of reasonable cause within the legislation and ultimately the question is a matter for the discretion of the decision maker.

The decision must be taken in the interests of public safety and should be fair, reasonable, proportionate and in accordance with human rights and natural justice principles.

2. Nature of Meeting

(a) Appeals are heard under Council procedure as a measure of good administration, they are not statutory. In respect of appeals concerning drivers' licences there is also a right of appeal to the Magistrates Court.

(b) The Sub-Committee Hearing observes the “rules of natural justice” and to that end:-

- the members of the Sub-Committee have not previously been involved in the application(s);
- each side is given an equal opportunity to present its case: the decision of the Sub-Committee is based on the written evidence submitted and the evidence submitted at the meeting;

Council policies are not applied in a blanket fashion. They are considered in relation to the circumstances of each appeal.

3. Procedure

The following formal procedure will normally be observed:

- The appellant and/or his/her representative and the officer(s) appearing for the Council are invited into the meeting.
- The Chair of the Sub-Committee will confirm the nature of the appeal and that the appellant and/or his/her representative are aware of the procedure to be followed.
- The Council’s representative(s) will present the Council’s case and will call and question any supporting witnesses he/she considers necessary.
- Following the presentation of the Council’s case, the Sub-Committee will be invited to put questions to the Council’s representative(s).
- Then the appellant or his/her representative will be invited to put questions to the Council’s representative(s).
- The appellant or his/her representative will present his/her case and will call and question any supporting witnesses he/she considers necessary.

- Following the presentation of the appellant's case, the Sub-Committee will be invited to put questions to the appellant or his/her representative.
- Then the Council's representative(s) will be invited to put questions to the appellant or his/her representative.
- The Council's representative(s) will be invited to make a closing statement.
- The appellant or his/her representative will be invited to make a closing statement.
- The appellant, his/her representative and the officer(s) presenting the case on behalf of the Council will be asked to leave the meeting while the Sub-Committee considers its decision. You will be asked to wait for a few minutes in case the Sub-Committee wish to seek clarification of the evidence given. If it does then both parties will be invited back into the hearing.

4. Decision

The Sub-Committee will consider and reach its decision at the end of each appeal presented to it. Both sides will normally be notified of the decision, in writing, within five working days.

This page is intentionally left blank

City of York Council

Minutes

Meeting	Environment Appeals Panel
Date	20 February 2017
Present	Councillors Hayes, Richardson and Boyce

5. Chair

Resolved: That Councillor Boyce be appointed to Chair the meeting.

6. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared.

7. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of agenda item 5 (minute 9 refers) on the grounds that it contained information relating to an individual. This information is classed as exempt under paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

8. Minutes

Resolved: That the minutes of the Environment Appeals panel held on 6 October 2014 be noted.

9. Appeal Against Revocation of Private Hire Driver's Licence

Members considered an appeal against the decision to revoke a private hire driver's licence.

Consideration was given to the oral and written representations from both parties.

Resolved: That the decision to revoke the private hire driver's licence be upheld.

Reason: Having considered all the information before them the Panel felt there were no special circumstances to deviate from Council policy in this instance.

Councillor Boyce, Chair

The meeting started at 10.15 am and finished at 11.40 am.

Meeting	Environment Appeals Panel
Date	20 February 2017
Present	Councillors Hayes, Boyce and Richardson

1. Chair

Resolved: That Councillor Boyce be appointed to Chair the meeting.

2. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared.

3. Exclusion of Press And Public

Resolved: That the press and public be excluded from the meeting during consideration of agenda item 4 (minute 4 refers) on the grounds that it contained information relating to an individual. This information is classed as exempt under paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

4. Appeal Against Revocation of Private Hire Driver's Licence

Members considered an appeal against the decision to revoke a private hire driver's licence.

Consideration was given to the oral and written representations from both parties.

Resolved: That the decision to revoke the private hire driver's licence be upheld.

Reason: Having considered all the information before them the Panel felt there were no special circumstances to deviate from Council policy in this instance.

Councillor Boyce, Chair

The meeting started at 1.00 pm and finished at 2.05 pm.

**STATEMENT AND
PAPERS IN SUPPORT OF
THE COUNCIL'S CASE**

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

**STATEMENT AND
PAPERS IN SUPPORT OF
APPELLANT'S CASE**

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank