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Our ref: LIC/SN

Date: 31 October 2014

Notice of Meeting

Licensing Sub-Committee

Date: Monday, 10 November 2014

Time: 10.00am

Place: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames

To the members of the Licensing Sub-Committee

Councillors: I.T.E. Harvey, S.A. Dunn and M.P. Francis

Note: In the event of one of the aforementioned Licensing Committee Members being unable to attend or serve on this Sub-Committee another Member of the Licensing Committee will be called to serve in their place.

See back page for information in:

HINDI (हिन्दी)

GUJARATI (ગુજરાતી)

BENGALI (বেঙ্গলী)

PUNJABI (ਪੰਜਾਬੀ)

PASHTO (پښتو)

FARSI (فارسی)

AGENDA

1. Disclosures of Interest

To receive any disclosures of interest from members.

2. Exclusion of Press and Public

To move the exclusion of the Press/Public for the following item in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006 exempt information.

3. Exempt report to determine whether Mr Balwinder Singh Garcha is a fit and proper person to hold a private hire driver licence

[Paragraph 1 - Information relating to any individual and on the basis that publication would not be in the public interest because information and documentation is personal and subject to an obligation of confidentiality] 1 - 2

Note: A guidance note, which explains what happens at a Licensing Sub-Committee meeting when it considers a matter relating to a Private Hire or Hackney Carriage Vehicle/Driver Licence follows on Cream paper.

To consider the Report of the Assistant Chief Executive (Circulated to members of the sub-Committee only)

Translation information

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SPELTHORNE BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

GUIDANCE NOTES ON PROCEDURE WHEN CONSIDERING PRIVATE HIRE OR HACKNEY CARRIAGE VEHICLE/DRIVER LICENCES

1. The Council's Legal representative will conduct election of Chairman (unless Chairman or Vice-Chairman of Licensing Committee is a Member of the Sub-Committee).
2. Chairman will ask Members of Sub-Committee if they have any Disclosures of Interest.
3. Chairman introduces Members of Sub-Committee and Officers.
4. Chairman will ask:-

Is the applicant/respondent present

 - The applicant/respondent to introduce themselves
 - If the applicant/respondent is legally represented.
 - If the applicant/respondent has any witnesses and if so give their names and position.
5. The Licensing Enforcement Officer will present the Report of the Assistant Chief Executive and: -
 - a. explain the reasons for referral of the application to the Licensing Sub-Committee
 - b. call any witnesses in support
 - c. present the views of the Police, if any, who if present may be called upon to present their evidence/state their objections.
6. The applicant/respondent or his/her representative may ask the Licensing Enforcement Officer, the Council's witnesses or Police, questions about the Report before the Sub-Committee.
7. The Licensing Sub-Committee may also ask the Licensing Enforcement Officer, the witnesses or Police, questions about the report.
8. The applicant/respondent or his/her representative will put his/her case, calling any witnesses to speak on their behalf.
9. The Licensing Enforcement Officer may then ask questions of the applicant /respondent and any witnesses.
10. The Licensing Sub-Committee may question the Licensing Enforcement Officer, the applicant/respondent and any witnesses.
11. The Licensing Enforcement Officer may make a closing speech.
12. The applicant/respondent or his/her representative may make a closing speech.
13. The Sub-Committee will then retire to consider its decision in private, accompanied by its legal representative.

14. When it returns the Chairman will announce the Sub-Committee's decision with reasons, to all parties.
15. The decision of the Sub-Committee will subsequently be confirmed to the applicant in writing.

NOTES

Human Rights

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a convention right.

The Sub-Committee will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following provisions: -

- Article 1 of the first protocol states that every person is entitled to the peaceful enjoyment of his/her possessions and the Licensing Authority, when taking into account this right will strike a fair balance between the applicant's interest and the interests of the public.
- Article 6 relates to the determination of civil rights and obligations and states everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

It is established that holding a Licence is a civil right within the meaning of Article 6 and therefore any hearing to determine licence applications, renewals or revocations would need to comply with the safeguards of the convention. The Council's hearings will be conducted fairly in accordance with the rules of natural justice and as applicants have a full right of appeal to an independent tribunal against any decision made by the Licensing Authority, the requirements of Article 6 will have been complied with.

- Article 8 states that
 - (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
 - (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Like Article 1, the Licensing Authority, when considering this right must strike a fair balance between the applicant's interest and the interests of the public.

This is the Agenda and reports for the Licensing Sub-Committee at which you are required to attend. Please read all of these documents. It is important that you understand the purpose of the hearing and the procedure to be followed at the meeting. If you require help with translation please phone 01784 444 243.

Failure to attend the hearing, without providing prior notification to the Council or late arrival may result in the matter being heard in the driver's absence.

BENGALI (বেঙ্গলী)

লাইসেন্সিং সাব-কমিটির জন্যে এটা হলো আলোচাসূচী ও রিপোর্টস, তাতে আপনার উপস্থিত থাকার প্রয়োজন রয়েছে। অনুগ্রহ করে সমস্ত ডকুমেন্ট-গুলো পড়ুন। হেয়ারিং বা শুনানীর উদ্দেশ্য ও মিটিংয়ে অনুসরণ করা কার্যপ্রণালী আপনার জন্যে বোঝা অত্যন্ত প্রয়োজন। আপনার জন্যে যদি অনুবাদের সহায়তার প্রয়োজন হয় তাহলে অনুগ্রহ করে 01784 444 243 নম্বর ফোনে যোগাযোগ করুন।

কাউন্সিলকে অগ্রিম বিজ্ঞপ্তি দেওয়া ছাড়া মিটিংয়ে উপস্থিত থাকতে বার্থা হলে অথবা বিলম্বে পৌঁছালে ড্রাইভারের অনুপস্থিতিতে মামলাটি শোনার বিষয় হিসেবে গণ্য হবে।

FARSI (فارسی)

اینها دستور جلسه و گزارشاتی است که برای جلسه کمیته جانبی گواهینامه و مجوز تهیه شده و شما موظف هستید در این جلسه شرکت کنید. لطفاً همه این مدارک را بخوانید. خیلی مهم است که هدف این جلسه و پروسه پیشبرد آنرا فهمیده باشید. اگر احتیاج به کمک برای ترجمه دارید، لطفاً با شماره تلفن 01784 444243 تماس بگیرید.

عدم شرکت در این جلسه بدون اعلام قبلی به کانسِل (شهرداری) و یا دیر رسیدن ممکن است منجر به این شود که در غیاب راننده مسئله پیش برده شود.

GUJARATI (ગુજરાતી)

આ લાઇસન્સિંગ સબ-કમિટીના (Licensing Sub-Committee) અહેવાલો અને કાર્યસૂચિ (અજેન્ડા) છે કે જેમાં તમે હાજર રહો તેવી આવશ્યકતા રાખવામાં આવે છે. કૃપા કરી આ બધાજ દસ્તાવેજોનો અભ્યાસ - વાંચન કરશો. તમે મીટિંગમાં સુનાવણી અને અનુસરવામાં આવતી કાર્યવાહીનો હેતુ - ઉદ્દેશ સમજો તે અગત્યનું હોય છે. જો તમને તરજૂમા માટે મદદની જરૂર જણાય તો, કૃપા કરી 01784 444 243 ઉપર ફોન કરશો.

કાઉન્સિલને પહેલેથી કોઈ પણ સૂચના પૂરી પાડ્યા વગર, આવી સુનાવણીમાં હાજર રહેવામાં નિષ્ફળ બનવાથી, અથવા મોડા આવવાથી, ડ્રાઇવરની ગેરહાજરીમાં બાબતની સુનાવણી કરવામાં પરિણામી શકે.

HINDI (हिन्दी)

यह लाइसेंसिंग सब-कमेटी (उपसमिति) की रिपोर्ट और एजेंडा है, जहां आपको उपस्थित होना है। कृपया यह सब दस्तावेजें पढ़ें, क्योंकि यह अत्यावश्यक है कि आपको इस सुनवाई के उद्देश्यों के बारे में पता होना चाहिये, और यह जानकारी होनी चाहिये कि मीटिंग किस प्रकार चलेगी। यदि आपको किसी दस्तावेज का अनुवाद चाहिये तो कृपया नंबर 01784 444 243 पर फोन करके हमें बताएं।

काउंसिल को पहले से बताए बिना सुनवाई पर न पहुंचने पर, या देर से आने पर इस मामले की सुनवाई ड्राइवर की अनुपस्थिति में की जाएगी।

PASHTO (پښتو)

دا د لائسنسینګ د اجرا کولو د سب کمیټې اېجنډا او راپورونه دي د کومې وړاندې باید ته حاضر شې. مهرباني وکړه او دا ټول دستاوېزونه ولوله. دا مهمه ده چې ته د سماعت په مقصدونو او د غونډې په کړنلاره و پوهېږې. که ته د ترجماني په لړ کې مرسته غواړې نو په 01784 444 243 نمبره تیلیفون وکړه.

په سماعت کې د حاضرېدو څخه بې له مخکې څخه کونسل ته د اطلاع د ورکولو د غونډې کولو او یا د تاخیر سره د راتلو په نتیجه د موټروان په غیر حاضرۍ کې د معاملې سماعت کېدی شي.

PUNJABI (ਪੰਜਾਬੀ)

ਇਹ ਲਾਈਸੈਂਸਿੰਗ ਸਬ-ਕਮੇਟੀ ਦਾ ਏਜੰਡਾ ਅਤੇ ਰਿਪੋਰਟਾਂ ਹਨ, ਜਿਹਦੀ ਮੀਟਿੰਗ ਵਿਚ ਹਾਜ਼ਿਰ ਹੋਣਾ ਤੁਹਾਡੇ ਲਈ ਲਾਜ਼ਮੀ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ ਇਹ ਸਾਰੇ ਦਸਤਾਵੇਜ਼ ਪੜ੍ਹ ਲਓ। ਤੁਹਾਡੇ ਲਈ ਇਹ ਸਮਝ ਲੈਣਾ ਬਹੁਤ ਜ਼ਰੂਰੀ ਹੈ ਕਿ ਸੁਣਵਾਈ ਕਰਨ ਦਾ ਮਕਸਦ ਕੀ ਹੈ, ਅਤੇ ਮੀਟਿੰਗ ਦੇ ਕੰਮ ਕਿਸ ਢੰਗ ਨਾਲ ਕੀਤੇ ਜਾਣਗੇ। ਜੇ ਤੁਹਾਨੂੰ ਆਪਣੀ ਬੋਲੀ ਵਿਚ ਤਰਜਮਾ ਕਰਵਾਉਣ ਵਿਚ ਮਦਦ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਨੰਬਰ 01784 444 243 'ਤੇ ਫੋਨ ਕਰੋ।

ਜੇ ਤੁਸੀਂ ਕਾਉਂਸਿਲ ਨੂੰ ਪਹਿਲਾਂ ਦੱਸੇ ਬਿਨਾਂ ਮੀਟਿੰਗ ਵਿਚ ਨਹੀਂ ਆਓਗੇ, ਜਾਂ ਲੇਟ ਆਓਗੇ, ਤਾਂ ਡ੍ਰਾਈਵਰ ਦੀ ਗੈਰ-ਹਾਜ਼ਰੀ ਵਿਚ ਇਸ ਮੁਆਮਲੇ ਦੀ ਸੁਣਵਾਈ ਕੀਤੀ ਜਾ ਸਕਦੀ ਹੈ।