

**GENERAL LICENSING SUB-COMMITTEE**

**MINUTES OF MEETING HELD ON THURSDAY 9 JANUARY 2020**

**Present:**

Councillor Stephen Pickering (Chair)

Councillor Patricia Bone

Councillor Carol Huckerby

Also Present:

Councillor P Wright

Observer

Mr J

Applicant

K Rowland

Licensing Team Leader

K Shiliitto

Solicitor

T Scott

Temporary Governance Officer

**425 Appointment of Chair for the Meeting**

RESOLVED – That Councillor S Pickering be appointed Chair for this meeting of the General Licensing Sub-Committee.

**426 Declarations of Interest**

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no declarations of interests by Members at this meeting.

**427 Matters of Urgency - Open Session**

There were no items of urgent business.

**428 Exclusion of Public**

RESOLVED - That the public be excluded from the meeting during discussion of the following items of business to avoid the disclosure to them of exempt information as defined in Paragraph 1, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006).

**429 Report No LTL/11/19-20/KR - Mr J - Sheffield**

The Sub-Committee considered Report No LTL/11/19-20/SH/KR of the Licensing Team Leader in respect of Mr J. The purpose of the report was to enable Members to decide whether or not Mr J was a fit and proper person to continue to

hold a Private Hire Vehicle Driver's Licence.

Mr J was present at the meeting, and confirmed that he had received a copy of the report and understood the procedure to be followed at the meeting.

The report to the Sub-Committee explained that Mr J had applied to the Council to renew a combined Hackney Carriage and Private Hire Driver's Licence. It was stated that the applicant had held such a licence since 2007.

At the time of Mr J's renewal application, the Authority routinely applied for a DBS (Disclosure and Barring Service Check). This check was subsequently received, and the certificate contained entries for a number of historical convictions that had occurred over 30 years ago. These were offences relating to violence and dishonesty.

The Sub-Committee was reminded that in September 2018, the Council adopted a new Taxi Licensing Policy which included the standards that drivers were expected to meet to show they were a fit and proper person. The historical offences placed Mr J outside the policy adopted by the Council in relation to both dishonesty and violent offences, and his renewal application was therefore presented to the Sub-Committee for consideration.

The report stated that in the policy, a licence would not normally be granted if an applicant had more than one conviction for an offence of a violent nature or more than one conviction for dishonesty. However, Members could depart from the policy if the offence was isolated and/or there were mitigating or exceptional circumstances.

Members noted that Mr J had been licensed with North East Derbyshire since 2007 with the historical offences. Mr J wished to correct this date, stating that he first received his license in 2004. The Licensing Team Leader explained that Mr J's last renewal with the Council was 2007 and this is as far back as the Council's records went.

Mr J was asked to explain the historical circumstances in regards to his convictions. Mr J stated that the offences had been committed over 30 years ago, and that he was a young and impressionable man who had fallen in with the wrong crowd. Mr J felt that he had grown up a lot since then, and now had an adult family to support. He added that before he first received a Taxi License from the Council, he held a number of building and food service jobs across the country.

Members noted that the Licensing Section had dealt with one enforcement issue regarding Mr J since 2007. A Licensing and Enforcement Officer inspected Mr J's vehicle in 2014 and found insufficient pressure in two tyres. Mr J was given a verbal warning and reminded to check the condition of his vehicle daily.

Mr J explained the specific circumstances of his convictions to Members, and there was a discussion in regards to the serious nature of the incidents. Mr J reiterated that the offences were when he was young and easily led by friends, and he was a changed person since then who had become committed to providing for his family.

The Sub-Committee discussed the application.

Members were reminded that they must have regard to the policy document and the objectives set out within it. Notwithstanding the existence of the policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from its policy, reasons will be given for so doing.

Mr J and the Licensing Team Leader were requested to leave the meeting while the Sub-Committee considered its decision.

The Sub-Committee having considered carefully all the written and oral evidence submitted to it:-

RESOLVED (unanimously) –

Having considered the evidence presented at the hearing, the Sub-Committee determined that Mr J is considered a ‘fit and proper person’ within the scope of the statutory provisions

In reaching its decision, the Sub-Committee took into consideration the following factors:-

- (i) The report of the Licensing Officer for North East Derbyshire District Council.
- (ii) The licence-holder’s submissions.
- (ii) The provisions of the Local Government (Miscellaneous Provisions) Act 1976;
- (iii) The Human Rights Act 1998 and of The First Protocol, Article 1;
- (iv) North East Derbyshire District Council’s Policy and Guidelines relating to Hackney Carriage & Private Hire Driver’s Licences

Due to the serious nature of his convictions, the Committee agreed to the following conditions in addition to considering Mr J ‘fit and proper’:

- (v) Mr J would have to report to this General Licensing Sub-Committee if he commits any serious breach in the next 3 years.
- (vi) Any other issues with Mr J managed by the inspection team would be referred back to this General Licensing Sub-Committee

Mr J and the Licensing Team Leader were re-admitted to the meeting and advised of the above decision and their right to appeal against it to the Magistrates’ Court within 21 days of the receipt of the decision notice.

(Licensing Team Leader)  
(Paragraph 1)

430 **Matters of Urgency - Closed Session**

There were no items of urgent business for discussion in the private session.