

GENERAL LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY, 6 JUNE 2019

Present:

Councillor Tracy Reader (Chair)

Councillor Patricia Bone

Councillor Richard Welton

Councillor Philip Wright - observing

Also Present:

Mr K, Sheffield –	Applicant
Mr K, Burnley –	Applicant
L Ingram	Legal Executive
K Rowland	Licensing Team Leader
A Hill	Personal Assistant

27 Appointment of Chair for the Meeting

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

28 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.

29 Matters of Urgency - Open Session

There were no items of urgent business to be discussed at the meeting.

30 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).

31 Licensing Application (a) Mr K - Sheffield

The Sub-Committee considered Report No LTL/1/19-20/KR of the Licensing Team Leader in respect of Mr K - Sheffield. The purpose of the report was to enable Members to decide whether or not Mr K - Sheffield was a fit and proper person to hold a Private Hire Vehicle Driver's Licence from the Council.

Mr K - Sheffield was present at the meeting. He confirmed that he had received a copy of the report and the procedure to be followed at the meeting.

The Licensing Team Leader explained that Mr K – Sheffield had been granted a Combined Hackney Carriage / Private Hire Driver's Licence by the Council in 2018. The decision to award the Licence had been taken by a Licensing Sub-Committee.

Members were informed that Mr K – Sheffield, had subsequently been prosecuted for speeding offences and had received additional penalty points on his Driver Vehicle Licensing Authority (DVLA) licence. The Sub-Committee heard that despite numerous contacts by the Licensing Service seeking information on the prosecution against him, Mr K – Sheffield failed to notify the service within the specified seven day time period that he had received additional penalty points for these offences. Under the Council's Taxi Licensing Policy it was a condition of his Licence that he should do this.

The Sub-Committee was informed that it had discretion to set-aside the Taxi Licensing Policy if Members felt that an offence was isolated or there were mitigating and / or exceptional circumstances which would justify granting or renewing a licence. However, it was emphasised that the overriding consideration for members in all cases ought to be the protection of the public.

Mr K - Sheffield was asked to explain the circumstances of his conviction and the reasons why he did not provide the necessary information to the Council's Licensing Service within the set timescale. In particular, he claimed that he had left a message for a specific Licensing Officer to inform them about these offences, but had received no reply. In response to questioning by the Sub-Committee, he also confirmed that he did not offer this information to any of the other members of the Licensing service who had contacted him.

Mr K-Sheffield 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) –

- (1) That Mr K-Sheffield was considered not to be a 'fit and proper person' to hold a Combined Hackney and Private Hire Driver's Licence with North East Derbyshire District Council and that this Licence be revoked.

- (2) That the Sub-Committee does not believe that there are ‘mitigating’ or exceptional circumstances for not applying the current Taxi Licensing Policy.

In reaching this decision, the Sub-Committee took into consideration:

- (i) The report of the Licensing Team Leader LTL/1/19-20/KR;
- (ii) The submissions made by Mr K-Sheffield;
- (iii) The provisions of the Local Government (Miscellaneous Provisions) Act 1976;
- (iv) The Human Rights Act 1998 and of the First Protocol, Article 1;
- (v) North East Derbyshire District Council’s Policy and Guidelines relating to Hackney Carriage and Private Hire Driver’s Licences.

Mr K-Sheffield 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)

32 Licensing Application (b) Mr K - Burnley

The Sub-Committee considered Report No LTL/2/19-20/KR of the Licensing Team Leader in respect of Mr K-Burnley. The purpose of the report was to enable Members to decide whether or not Mr K-Burnley was a fit and proper person to continue to hold a Private Hire Vehicle Driver’s Licence.

Mr K-Burnley was present at the meeting. He confirmed that he had received a copy of the report and the procedure to be followed at the meeting.

The Licensing Team Leader explained that Mr K-Burnley had applied to the Council to renew his combined Hackney Carriage and Private Hire Driver’s License. He had successfully completed the safeguarding course and provided proof of his right to work in the UK. He had also provided proof that he had no current endorsements on his DVLA Driver’s Licence.

The Licensing Team Leader went on to explain that at the time of his application to renew his Combined Hackney Carriage and Private Hire Driver’s Licence, Mr K-Burnley applied for a Data Barring Service (DBS) check. This revealed two historic offences, one of which involved indecent assault.

Members were reminded that in September 2018 the Council adopted a new Taxi Licensing Policy which includes the standards which drivers are expected to meet in order to show that they are ‘fit and proper’ person to hold a driver’s licence. Mr K- Burnley’s conviction for indecent assault, it was explained, breached these standards and would render him unsuitable to hold a Combined Hackney Carriage and Private Hire Licence from the Council.

The Sub-Committee was informed that it had discretion to set-aside the Taxi Licensing Policy if Members felt that an offence was isolated or there were mitigating and / or exceptional circumstances which would justify granting or renewing a licence. However, it was emphasised that the overriding consideration for Members in all cases ought to be the protection of the public.

Mr K-Burnley was asked to explain the circumstances of his conviction and the reasons why he felt the Sub-Committee should renew his licence. Mr K emphasised that he had appealed unsuccessfully against the conviction for this offence and he strenuously denied any wrong doing.

Mr K 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) –

- (1) That Mr K-Burnley is not a fit and proper person to hold a combined Hackney Carriage and Private Hire Driver's Licence with North East Derbyshire District Council and his application for a Licence be rejected.
- (2) That the Sub-Committee does not believe that there are 'mitigating' or exceptional circumstances for not applying the current Taxi Licensing Policy.

In reaching this decision, the Sub-Committee took into consideration:

- (i) The report of the Licensing Team Leader LTL/2/19-20/KR;
- (ii) Mr K-Burnley's submissions;
- (iii) The provisions of the Local Government (Miscellaneous Provisions) Act 1976;
- (iv) The Human Rights Act 1998 and of the First Protocol, Article 1;
- (v) North East Derbyshire District Council's Policy and Guidelines relating to Hackney Carriage and Private Hire Driver's Licences.

Mr K- Burnley 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)

32a Matters of Urgency - Closed Session

There was no urgent business to be discussed.