

## **GENERAL LICENSING SUB-COMMITTEE**

### **MINUTES OF MEETING HELD ON THURSDAY, 4 JULY 2019**

#### **Present:**

Councillor Richard Welton (Chair)

Councillor Pat Antcliff  
Councillor Stephen Pickering

Councillor Patricia Bone  
Councillor Philip Wright

#### **Also Present:**

Kevin Rowland – Licensing Team Leader  
Lisa Ingram – Legal Executive  
Damon Stanton – Governance Officer

#### **80 Appointment of Chair for the Meeting**

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

#### **81 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.

#### **82 Matters of Urgency - Open Session**

There was no item of urgent business.

#### **83 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).

#### **84 Report of the Licensing Team Leader**

The Sub-Committee considered Report No LTL/4/19-20/KR of the Licensing Team Leader in respect of Mr H. The purpose of the report was to enable Members to decide whether or not Mr H was a fit and proper person to hold a Private Hire Vehicle Driver's Licence.

Mr H 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 Licensing Team Leader presented the report which set out details of Mr H's application and that this had been brought to the Sub-Committee due to Mr H being unable to provide a certificate of good conduct for his period of life outside of the UK.

Mr H explained that he had arrived in the UK at the age of 19 as an asylum seeker, and that his home country had been ravaged by war. He stated that he had contacted the embassy in order to obtain a certificate, but was told they keep no such records as it was a worn-torn country. Members heard that the applicant was pursuing a career as a taxi driver due to the flexible working hours and his family commitments.

Members questioned Mr H about his previous work history and references. Mr H informed the Committee that he had worked in a factory, and supported his local community through voluntary work. The Committee enquired about his supporting documents, one of which was from a former landlord. Mr H made clear that he had been a law abiding citizen throughout his time in the UK.

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 H and the Licensing Team Leader was 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) –

That Mr H be granted a License in principle, on the condition that the content and authenticity of the references were validated.

The reasons for the Sub-Committee's decision were as follows:-

- (i) The report of the Licensing Team Leader for North East Derbyshire District Council;
- (ii) Mr H's submissions together with supporting documents and letters;
- (iii) The provisions of the Local Government (Miscellaneous Provisions) Act 1976;
- (iv) The Human Rights Act 1998 and of the First Protocol, Article 1; and
- (v) North East Derbyshire District Council's Policy and Guidelines relating to Hackney Carriage and Private Hire Driver's Licenses.

Mr H 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)

**85      Matters of Urgency - Closed Session**

There was no item of urgent business.