

## **GENERAL LICENSING SUB-COMMITTEE**

### **MINUTES OF MEETING HELD ON THURSDAY, 1 AUGUST 2019**

#### **Present:**

Councillor Pat Kerry (Chair)

Councillor Heather Liggett

Councillor Pam Windley

#### **Also Present:**

Mr B - Applicant

K Shillitto

C Jack

S Hastings

D Stanton

Solicitor

Licensing and Enforcement Officer

Licensing and Enforcement Officer

Governance Officer

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

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

#### **166 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.

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

There were no items of urgent business.

#### **168 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).

With the agreement of the Chair, the Sub-Committee took a 10 minute recess.

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

The Sub-Committee considered Report No LTL/5/19-20/SH/KR of the Licensing Team Leader in respect of Mr B – Chesterfield. The purpose of the report was to enable Members to decide whether or not Mr B was a fit and proper person to

continue to hold a Hackney Carriage/ Private Hire Vehicle Driver's Licence.

Mr B 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 B 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.

Mr B was registered with the DBS (Disclosure and Baring Service) update service and had provided the Authority with his original certificate. The check revealed that Mr B had a number of convictions, some that had involved violence, which had occurred more than 30 years ago. The report stated that a licence would not normally be granted if an applicant had more than one conviction for an offence of a violent nature. However, Members could depart from the policy if the offence was isolated, and there was mitigating or exceptional circumstances.

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. Members noted that Mr B had been licensed with North East Derbyshire since 2007 with the historical offences, and that the recent policy change now placed the applicant outside of the revised policy, and was thus presented to the Sub-Committee for consideration.

Members asked the Licensing Officers if Mr B had ever been presented to the Sub-Committee whilst he had been licensed with the Authority. The officers stated that whilst they did not keep a record on who is brought to the Committee, Mr B had no complaints on his record and thus there was no reason to believe that he had. Mr B informed Members that he had never been brought before the Committee at NEDDC.

Mr B was asked to explain the historical circumstances in regards to his convictions. The Sub-Committee heard that the offences had been committed over 30 years ago, and that he was deeply embarrassed about them. Mr B stated that he had grown up, and discussed some of the good deeds he had done whilst operating as a taxi driver, one of which included helping a distressed victim of a serious crime.

Mr B informed Members that he had previously held a licence at a different Authority, and was granted an initial six month licence, and then subsequently given a full licence. The Sub-Committee heard that he had no complaints registered against him at that Authority. This claim was confirmed by the Licensing Officers as outlined in the report.

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 B 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 B be granted a Hackney Carriage/Private Hire Driver's License.

Mr B 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)

**170     Matters of Urgency - Closed Session**

There were not items of urgent business for discussion in the private session.