

GENERAL LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY, 5 SEPTEMBER 2019

Present:

Councillor Tracy Reader (Chair)

Councillor Pat Antcliff

Councillor Carol Huckerby

Also Present:

Mr H	Applicant
Mr L	Legal Representative
V Dawson	Solicitor – Team Manager (contentious)
K Rowland	Licensing Team Leader
C Jack	Licensing and Enforcement Officer
D Stanton	Governance Officer

182 Appointment of Chair for the Meeting

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

183 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.

184 Matters of Urgency - Open Session

There were no items of urgent business in the open session of this meeting.

185 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).

186 Report of the Licensing Team Leader

The Sub-Committee considered Report No LTL/6/19-20/CJ/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 alongside Mr L, his legal representative. Mr H confirmed that he had received a copy of the report, and understood the procedure to be followed at the meeting.

The Licensing and Enforcement Officer explained that Mr H had applied to the Council for a Hackney Carriage/Private Hire Vehicle Driver's License. He had successfully completed the knowledge test, the practical driving test, and provided proof of his right to work in the UK.

The Officer went on to explain that at the time of his application, Mr H had applied for a Disclosure and Barring Service (DBS) check. This revealed a number of serious offences that had occurred in the last 12 years. The offences had involved serious offences against the person, violence, and drugs.

Members were reminded that under the Council's Taxi Licensing Policy, it was clear that the applicant must not be granted a license if they had committed serious violent offences, unless there was exceptional circumstances.

Mr H was asked to explain why he deemed himself to be a fit and proper person to the Sub-Committee. Members heard that Mr H was young and impressionable at the time of his convictions of a serious violent nature, and that he grew up in a poor and disadvantaged background. Mr H informed Members that during his time in prison, he had engaged in a number of educational courses, and since his release had worked voluntarily with charities to prevent young people becoming involved in crime. The Sub-Committee noted that Mr H viewed himself as a changed character, and was married with a child.

The Licensing and Enforcement Officer and the Licensing Team Leader questioned Mr H about his time outside of the UK, and also on a newspaper article that detailed Mr H's violent offences.

Mr H explained the circumstances of his convictions to Members, and there was a discussion in regards to the serious nature of the incidents. Mr H reiterated that he was a reformed character, with new responsibilities as a 'family man', and hoped that the Sub-Committee would allow him an opportunity to prove that.

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 refused a Hackney Carriage/Private Hire Vehicle Driver's License

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

- i. The report of C Jack, Licensing and Enforcement Officer for North East Derbyshire District Council;
- ii. Mr H's submissions, and those of his legal representative Mr L;
- 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)

186a Matters of Urgency - Closed Session

There were no items of urgent business to discuss.