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## **LICENSING & APPEALS COMMITTEE**

**Minutes of a Meeting held on Monday 15 May 2017 in the Council Chamber, Town Hall, Matlock at 2:30pm.**

### **PRESENT**

Councillor - Jean Monks

Councillors Richard FitzHerbert and Joyce Pawley

Councillor John Tibenham attended as a Substitute Member

Eileen Tierney (Licensing Manager), Katie Hamill (Senior Solicitor) and Annette Reading (Democratic & Electoral Services)

Applicant

### **491/16 – ELECTION OF CHAIRMAN**

It was moved by Councillor FitzHerbert, seconded by Councillor Pawley and

**RESOLVED**  
(Unanimously)

That Councillor Jean Monks be elected as Chairman of the Committee.

### **492/16 – EXCLUSION OF THE PUBLIC AND PRESS**

It was moved by Councillor Jean Monks, seconded by Councillor Joyce Pawley

**RESOLVED**  
(Unanimously)

That in accordance with Section 100(a) of the Local Government Act 1972 the public and press be excluded because it is likely that the nature of the business to be transacted would result in exempt information being disclosed.

At this point the Sub-Committee excluded the public and press because in determining the application, members would need to consider personal information relating to the applicant.

## **493/16 – TAXI /PRIVATE HIRE VEHICLE DRIVER LICENSING**

It was reported that, in accordance with the Council's Licensing procedures, an application for a Taxi/Private Hire Vehicle Driver Licence had been referred to the Licensing & Appeals Sub-Committee for determination as the applicant had passed the knowledge test and submitted a complete application but whose criminal record disclosure certificate had revealed relevant convictions.

The Licensing Manager explained the circumstances of the Applicant's referral to the Sub-Committee. The Sub-Committee and the Applicant were given an opportunity to question the Licensing Manager.

The Applicant presented his case.

The Sub-Committee and the Licensing Manager were given an opportunity to question the Applicant.

The Sub-Committee confirmed they had enough information to determine the matter.

## **494/16 – DECISION**

It was moved by Jean Monks, seconded by Councillor Richard FitzHerbert and

**RESOLVED**  
(Unanimously)

That having considered all the evidence put before it, the Sub-Committee has determined that the applicant is a fit and proper person and will be allowed to hold a Hackney Carriage/Private Hire Vehicle Driver's Licence for a period of one year. Provided there are no complaints, cautions or convictions and subject to a satisfactory up to date DBS certificate, the Sub-Committee delegate authority to the Licensing Manager to extend the licence for a period of up to three years.

The Sub-Committee confirm that they have determined that the applicant is a fit and proper person should he apply for a Private Hire Operator's Licence and delegate authority to the Licensing Manager to grant the applicant a licence for a Private Hire Operator's Licence for a period of one year subject to satisfactory checks being completed and; provided there are no complaints, cautions or convictions delegate authority to the Licensing Manager to extend the licence for a period of up to five years.

### Reason for Decision

The reasons for the decision are contained in the Decision Notice that is attached to the exempt minute as they include personal information relating to the applicant.

**MEETING CLOSED: 3:50pm**

## **APPEALS TO THE MAGISTRATES' COURTS**

Many of the enforcement actions and decisions made by Derbyshire Dales District Council carry the right of appeal to the Magistrates' Court. This means that if you do not agree with the decision that the District Council has made you may contact the Magistrates' Court and ask them to formally review it. For example, anyone served with a formal enforcement notice has the right to appeal against that notice within 21 days of its service.

### **How do I make an appeal?**

The right to appeal is normally set out on the reverse of the notice or in a letter that accompanies it.

The Derbyshire Dales District Council area is served by two Magistrates' Courts:

- North East Derbyshire and Dales Magistrates' Court, Tapton Lane, Chesterfield S41 7TW, Tel: 01246 224040, and
- Southern Derbyshire Magistrates' Court, St Mary's Gate, Derby DE1 3JR, Tel: 01332 362000

### **Which Court should I contact?**

Generally speaking the North East Derbyshire and Dales Magistrates' Court serves the northern part of the District and Southern Derbyshire Magistrates' Court serves the southern part of the District.

The Court that you would need to contact to make an appeal will depend on the address to which the notice or other enforcement decision relates. If you are unsure which Court would deal with your appeal, we recommend that you contact one of them to check.

### **Where can I get help?**

If you think you need help we would recommend that you speak to a solicitor who would be able to assist you with the Court processes.

The District Council is not able to recommend any particular firm of solicitors but would suggest you check in Yellow Pages or a local services directory.