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## **LICENSING & APPEALS COMMITTEE**

**Minutes of a Meeting held on Monday 24 April 2017 in the Council Chamber, Town Hall, Matlock at 11:00am.**

### **PRESENT**

Councillor Richard FitzHerbert - In the Chair

Councillors Graham Elliott and John Tibenham

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

Applicant did not attend the Hearing.

### **487/16 – ELECTION OF CHAIRMAN**

It was moved by Councillor John Tibenham, seconded by Councillor Graham Elliott and

**RESOLVED**  
(Unanimously)

That Councillor Richard FitzHerbert be elected as Chairman of the Committee.

### **488/16 – EXCLUSION OF THE PUBLIC AND PRESS**

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Graham Elliott

**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.

## **489/16 – TAXI /PRIVATE HIRE VEHICLE DRIVER LICENSING**

It was reported that, in accordance with the Council's Licensing procedures, the Applicant's application for a Taxi/Private Hire Vehicle Driver Licence had been referred to the Licensing & Appeals Sub-Committee for determination as the Applicant's immigration status is subject to appeal since 29 March 2016 with the Home Office and the expiry date of lawful leave to remain in the United Kingdom is not yet known.

The Applicant did not attend the Hearing.

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

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

## **490/16 – DECISION**

It was moved by Richard FitzHerbert, seconded by John Tibenham 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 should be allowed to hold a Licence to drive a Hackney Carriage/Private Hire Vehicle for a period reflecting the Applicant's remaining period of lawful leave to remain in the United Kingdom or for a maximum of 6 months, whichever is the shorter period; subject to satisfactory checks being completed.

And

To delegate authority to the Licensing Manager in consultation with the Head of Regulatory Services to extend the period of any Licence granted to reflect any extension granted to the Applicant's period of lawful leave to remain in the United Kingdom provided that the total period does not exceed the standard 3 year licence period.

### 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: 11:13am**

## **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.