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LICENSING & APPEALS COMMITTEE

Minutes of a Meeting held on Thursday 10 August 2017 in the Committee Room, Town Hall, Matlock at 2:30pm.

PRESENT Councillor Angus Jenkins - In the Chair
Councillors Graham Elliott and Helen Froggatt
Eileen Tierney (Licensing Manager), Katie Hamill (Senior Solicitor) and Christine Laver (Democratic Services Team Leader)
Applicant

99/17 – ELECTION OF CHAIRMAN

It was moved by Councillor Helen Froggatt, seconded by Councillor Graham Elliott and

RESOLVED That Councillor Angus Jenkins be elected as Chairman of the
(Unanimously) Committee.

100/17 – EXCLUSION OF THE PUBLIC AND PRESS

It was moved by Councillor Angus Jenkins, seconded by Councillor Graham Froggatt, and

RESOLVED That in accordance with Section 100(a) of the Local Government Act
(Unanimously) 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.

101/17– TAXI /PRIVATE HIRE VEHICLE DRIVER LICENSING

It was reported that, in accordance with the Council’s Licensing procedures, the applicant had taken the District Council’s knowledge test on three occasions but had failed to reach the required standard in all sections of that test. In accordance with the procedure the matter had, therefore, been referred to the Licensing & Appeals Committee for determination.

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.

102/17 – DECISION

It was moved by Councillor Angus Jenkins, seconded by Councillor Graham Elliott and

RESOLVED
(Unanimously)

That having considered all the evidence put before it, the Sub-Committee determined that the applicant is required to sit and pass part of a fourth Knowledge Test, namely the locations section, within a period of three months, before his application for a licence to drive a hackney Carriage/Private Hire vehicle can be determined.

If the applicant fails to pass part of a fourth Knowledge Test he shall not be permitted to reapply for a Licence and sit another Knowledge Test within a period of six months.

Reason for Decision

The Committee did not believe that the applicant currently had the requisite knowledge expected of taxi drivers licensed by the District Council

MEETING CLOSED: 3:00pm

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.