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## **LICENSING & APPEALS SUB-COMMITTEE**

**Minutes of a Meeting held on Tuesday 3 March 2015 in the Council Chamber, Town Hall, Matlock at 10.30am.**

### **PRESENT**

Councillor Judith Twigg - In the Chair

Councillors Jean Monks and David Frederickson

Councillor Steve Flitter attended as Substitute Member

Eileen Tierney (Licensing Manager), Katie Hamill (Solicitor), Beverley Booth-Jones (Legal Assistant) and Annette Reading (Democratic Services Assistant - Committees)

Mr Qamar Iqbal – applicant

Mr Chaudhary Tanvir Aslam – applicant's representative

### **271/14 – ELECTION OF CHAIRMAN**

It was moved by Councillor Jean Monks, seconded by Councillor David Frederickson and

**RESOLVED** That Councillor Judith Twigg be elected as Chairman of the panel.  
(Unanimously)

### **272/14 – TAXI/PRIVATE HIRE VEHICLE DRIVER LICENSING**

It was reported that, in accordance with the Council's licensing procedures, Mr Iqbal's application for a Hackney Carriage/Private Hire Vehicle Driver's Licence had been referred to the Licensing & Appeals Committee for determination because he had failed the written Driver Knowledge Test three times.

The Licensing Manager explained the circumstances of Mr Iqbal's referral to the Committee.

The Committee, the applicant and the applicant's representative were given an opportunity to question the Licensing Manager.

Mr Iqbal, the applicant, presented his case, Mr Aslam, applicant's representative, spoke further behalf of the applicant.

The Committee and the Licensing Manager were given an opportunity to question the applicant.

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

### **273/14 – EXCLUSION OF PUBLIC AND PRESS**

It was moved by Councillor Judith Twigg, seconded by Councillor Jean Monks 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.

The Committee resumed in public session.

### **274/14 - DECISION**

It was moved by Councillor Judith Twigg, seconded by Councillor Jean Monks and

**RESOLVED** That, having considered all the evidence put before it, the Committee  
(Unanimously) determined that Mr Iqbal is required to sit and pass a fourth driver knowledge test before his application for a licence to drive a Hackney Carriage/Private Hire vehicle can be progressed and determined.

The Committee delegate that the licensing manager determine how the forth test will be undertaken to accommodate Mr Iqbal's reading and writing difficulties.

#### Reason for Decision

The Committee do not believe that Mr Iqbal currently has the requisite knowledge expected of taxi drivers licensed by the Council.

The reasons for the decision were as specified in the full Decision Notice, attached, which will be issued within 5 working days to all parties.

**MEETING CLOSED – 11.29 am**

## LICENSING & APPEALS SUB-COMMITTEE DECISION

(Taxi)

Record of proceedings of Derbyshire Dales District Council's Licensing & Appeals Sub-Committee held on 3 March 2015

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Full name of Applicant: Qamar Iqbal  
Address 26 Moore Street, Derby DE23 6SP

Reason for attendance at the Sub Committee: Licence Applicant who had failed 3 Knowledge Tests. Determination by Committee on whether Mr Qamar Iqbal is a fit and proper person.

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### CONSTITUTION OF COMMITTEE

Councillor Judith Twigg (Chair)  
Councillor Jean Monks  
Councillor David Frederickson

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### NAMES OF OTHERS PRESENT (WRITE "NONE" WHERE APPROPRIATE)

Qamar Iqbal- applicant  
Chaudhary Tanvir Aslam – applicant's representative  
Eileen Tierney – Licensing Manager  
Katie Hamill - Solicitor  
Beverley Booth-Jones – Legal Assistant  
Annette Reading – Democratic Services Assistant - Committees.

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Applicants' representative (state organisation if any) Chaudhary Tanvir Aslam	Witness(es)
The applicant presented his own case with assistance by Mr Aslam	NONE

1. The meeting was conducted in public, with the agreement of all parties.

The Committee withdrew into private session to consider its decision but stated that any legal advice offered during that time would be shared with those present when the meeting resumed.

2. Chairperson's note of evidence (ie concise details of all oral and written details put before the Committee)

Report from the Licensing Manager  
Oral Representations from Mr Iqbal and Mr Aslam

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3. Findings of Committee on questions of fact material to the decision (ie the relevant facts accepted from the evidence available)

The results of the three knowledge tests were reviewed by the Committee. It was noted that Mr Iqbal had passed each section of the test, but not on the same test.

The Committee accepted that Mr Iqbal had previously been licensed by Derbyshire Dales District Council and determined that Mr Iqbal was a new applicant following the expiry of his Licence in 2010.

The Committee accepted Mr Iqbal's evidence that he has difficulties with reading and writing in English and as such, has found it difficult to pass the written tests.

The Committee accepted the Licensing Manager's evidence that Mr Iqbal did not bring his reading and writing difficulties to her attention until the third test and that had this been brought to her attention earlier; the test could have been adapted to accommodate these difficulties.

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4. Full text of **unanimous** decisions

That, having considered all the evidence put before it, the Committee determined:

That Mr Iqbal is required to sit and pass a fourth driver knowledge test before his application for a licence to drive a Hackney Carriage/Private Hire vehicle can be progressed and determined. The Committee do not believe that Mr Iqbal currently has the requisite knowledge expected of taxi drivers licensed by the Council.

The Committee delegate that the Licensing Manager determine how the knowledge test will be undertaken to accommodate Mr Iqbal's reading and writing difficulties and agree to her recommendation.

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5. Reasons for decision (ie an explanation of why, when applying facts to the statutory provisions, policy and guidance, where appropriate, a particular conclusion is reached. And why, if it is not clear from Box 3, certain evidence has been accepted or rejected)

The Committee accepted Mr Iqbal's evidence that he has difficulties with reading and writing in English and as such, has found it difficult to pass the written tests. The Committee were concerned that there is also a verbal language barrier, however noted that Mr Iqbal had previously been licensed by the Local Authority and there were no recorded complaints.

The Committee considered the Council's policy and determined that Mr Iqbal was a new applicant following the expiry of his Licence in 2010 and, as such, should be required to pass the knowledge tests to ensure he is a fit and proper person that meets the high standards expected of licensed drivers in the Derbyshire Dales serving members of the public.

The Committee considered the purpose of the Council's policy and the public safety licensing objective that members of the public should have confidence that they will be transported safely and that the driver has sufficient knowledge of the local area, Highway Code and licensing laws. The Committee are not currently satisfied that Mr Iqbal is a fit and proper person with the requisite knowledge expected of those driving members of the public and determined that he should not progress to the next stage of the application process until he has passed the knowledge test.

The Committee considered the Licensing Manager's evidence that Mr Iqbal did not bring his reading and writing difficulties to her attention until the third test and that had this been brought to her attention earlier; the test could have been adapted to accommodate these difficulties. The Committee noted the Licensing Manager's comments that the one hour timescale to take the test could be extended or the test could be taken verbally and considered that it would be fair to allow Mr Iqbal to sit the test for a fourth time and delegate authority to the Licensing Manager to determine how the test should be undertaken.

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6. All parties are reminded that if they are unhappy with these decisions they have a right of appeal to the Magistrates Court within 21 days of receipt of this notice. (See details attached).

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Date 03/03/2015

Chairperson's Signature

*f.A. Turcotte*

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## **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.