

## LICENSING AND APPEALS COMMITTEE

TUESDAY, 10 MARCH 2020

Present: Councillor D Bagshaw, Chair

Councillors: E H Atherton  
E Cubley  
T A Cullen  
D Grindell  
J C Patrick  
D D Pringle  
M Radulovic MBE  
P D Simpson

An apology for absence was received from Councillor R D MacRae.

### 24. DECLARATIONS OF INTEREST

Councillor M Radulovic MBE declared a non-pecuniary interest in item 8 due to knowing the individuals advocating on the appellant's behalf.

### 25. MINUTES

The minutes of the meeting held on 3 December 2019 were confirmed and signed as a correct record.

### 26. EXCLUSION OF PUBLIC AND PRESS

**RESOLVED** that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 7 of Schedule 12A of the Act.

### 27. LOCAL GOVERNMENT (MISCELLANEOUS) ACT 1976 HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

Members considered the report which sought a decision as to whether the applicant was a fit and proper person to hold a licence. Members considered the representations made by the applicant, who appeared in person, the Council's representative, the relevant legislation and the Council's Licensing Policy.

**RESOLVED** that the applicant is a fit and proper person to hold a hackney carriage/private driver's licence and the applicant be permitted to

**undertake a knowledge test 3 months after the date of the meeting. If the applicant does not pass the test, a wait of 12 months (from the date of the most recent failure) must pass before another one be completed as per Council policy.**

28. LOCAL GOVERNMENT (MISCELLANEOUS) ACT 1976 HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

Members considered the report which sought a decision as to whether the applicant was a fit and proper person to hold a licence. Members considered the representations made by the applicant, who appeared in person, the Council's representative, the relevant legislation and the Council's Licensing Policy.

**RESOLVED that the applicant is a fit and proper person to hold a hackney carriage/private driver's licence and the application be granted subject to the satisfactory completion of a Statutory Declaration to confirm that the applicant was not subject to any criminal convictions or proceedings prior to entering the UK.**

29. LOCAL GOVERNMENT (MISCELLANEOUS) ACT 1976 HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

Members noted the hearing procedure, with particular reference to the Council's Policy, natural justice and the Code of Conduct.

The Committee considered the representations made by the applicant in addition to the Council's Policy. Members could not be satisfied on the balance of probabilities that the applicant was a fit and proper person to hold a licence and the Committee found no reason to depart from the adopted Policy. The applicant was advised of his rights of appeal against the decision.

**RESOLVED that the applicant is not a fit and proper person to hold a hackney carriage/private hire driver's licence and the licence should not be granted to the applicant.**

30. LOCAL GOVERNMENT (MISCELLANEOUS) ACT 1976 HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

Members considered the representations made by the applicant, who appeared in person, the Council's licensing representative, the relevant legislation and the Council's Licensing Policy.

The Committee gave strong consideration to the applicant's supporting evidence given on his behalf. Members could not be satisfied on the balance of probabilities that the applicant was a fit and proper person to hold a licence. The applicant was advised of his rights of appeal against the decision.

**RESOLVED that the applicant is not a fit and proper person to hold a hackney carriage/private hire driver's licence and the licence be revoked.**