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23 February 2015

To: All Councillors

As a Member or Substitute of the **Licensing and Appeals Sub - Committee**, please treat this as your summons to attend a meeting on **Tuesday 3 March 2015 at 10.30am in the Council Chamber, Town Hall, Bank Road, Matlock.**

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sandra Lamb', written in a cursive style.

Sandra Lamb  
Head of Democratic Services

## **AGENDA**

### **1. APOLOGIES/SUBSTITUTES**

Please advise Democratic Services on 01629 761133 or e-mail [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) of any apologies for absence and substitute arrangements.

### **2. ELECTION OF A CHAIRMAN**

Proposal that a Member of the Committee be elected Chairman.

### **3. INTERESTS**

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends.

Interests that become apparent at a later stage in the proceedings may be declared at that time.

### **4. EXCLUSION OF PUBLIC AND PRESS**

At this point the Committee will consider excluding the public and press in order to consider its decision in private in accordance with the hearing procedure.

**5. TAXI/PRIVATE HIRE DRIVER LICENSING**

**4 - 8**

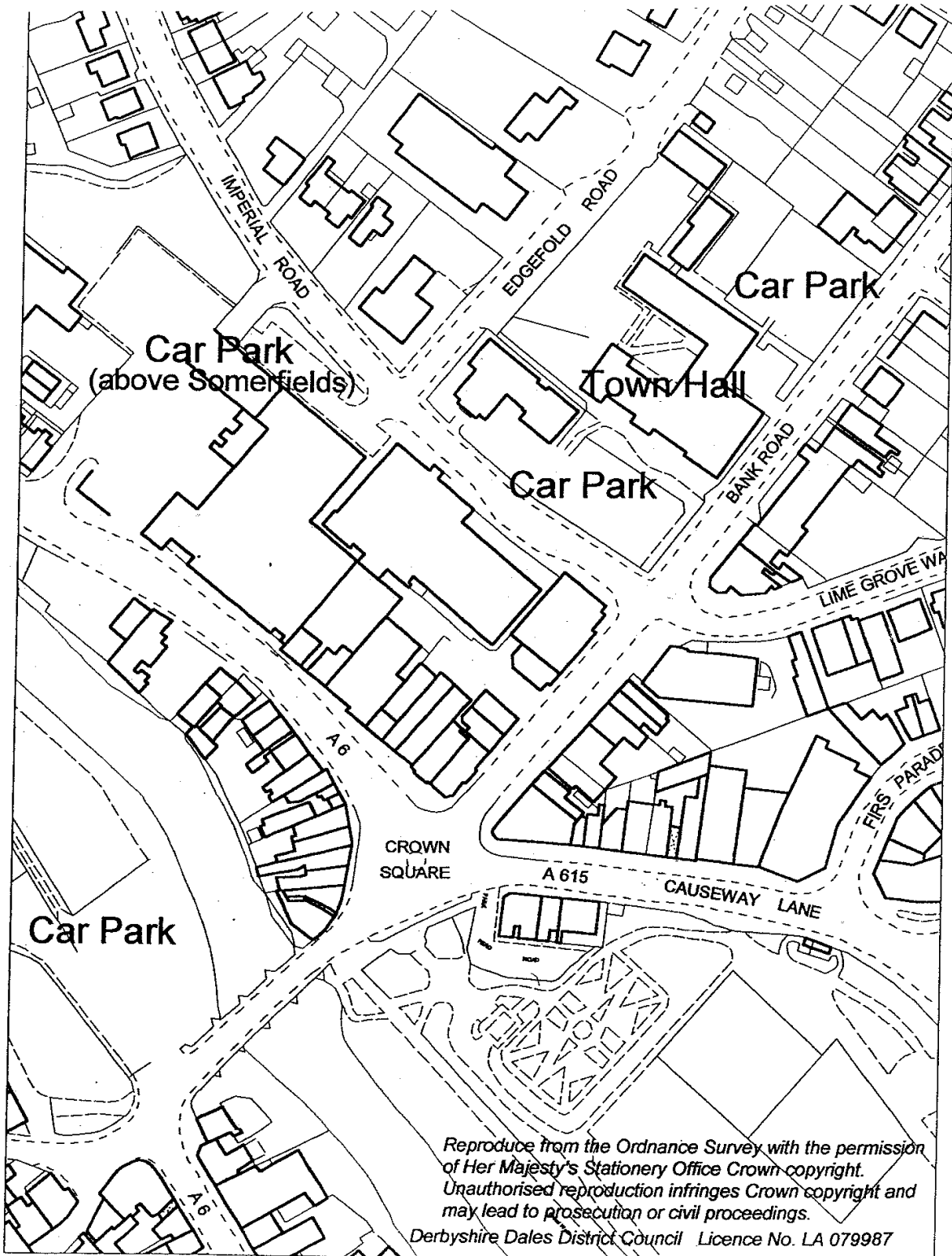
To determine whether Qamar Iqbal is a fit and proper person to be granted a Taxi/Private Hire Vehicle Driver's Licence in Derbyshire Dales.

**Members of the Committee Nominated to hear this Appeal:**

Councillors David Frederickson, Jean Monks, and Judith Twigg

**Substitute Member to attend**

Councillor Steve Flitter



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**LICENSING AND APPEALS COMMITTEE**

**3 MARCH 2015**

Report of the Head of Regulatory Services

**TAXI/PRIVATE HIRE VEHICLE DRIVER LICENSING**

**SUMMARY**

The Council's current Taxi Licensing Policy requires new applicants for a combined Hackney Carriage/Private Hire Driver's Licence (Badge) to undertake a written Knowledge Test before being able to complete the second stage of the application process.

This report informs the Committee of a case where a person has failed 3 Knowledge Tests.

The legal issue to be determined by the Committee is whether the applicant is a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle, on the basis of the failed tests.

**RECOMMENDATION**

That the Committee determine whether Qamar Iqbal is a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

**WARDS AFFECTED**

All

**STRATEGIC LINK**

An effective licensing regime supports the core values and key aims set out in the Council's Corporate Plan, in particular, the priority that focuses on delivering safer communities, thereby protecting the safety of residents and visitors.

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**1 BACKGROUND**

1.1 The Council's Taxi Licensing Policy requires new applicants for a Hackney Carriage/Private Hire Driver's Licence to undertake a written Driver's Knowledge Test before being able to complete the second stage of the application process. This is to satisfy the Council that they are suitable persons to hold a driver's licence (Taxi Badge).

1.2 The Council has three separate tests, allowing a candidate to sit different ones if they do not pass one. This is to give them every chance of passing the test provided that they have studied sufficiently.

1.3 Each written test is split into three sections and consists of the following:

**Highway Code:** In section one of the test, applicants are asked to answer a number of questions on driving skills, road information and etiquette as set out in

the Highway Code. There are 10 questions in total and applicants are expected to get 8 correct.

**Local Geography:** In section two of the test, applicants are tested on their knowledge of the Derbyshire Dales District Council's geographical area by identifying streets and names of given premises/locations. There are 20 questions in total and applicants are expected to get 16 correct.

**The Hackney Carriage and Private Hire Vehicle Licensing Law and Council Rules and Policy:** In section three of the test, applicants are tested on their knowledge and understanding of the law in respect of Hackney Carriage and Private Hire Licensing, and of the District Council's Taxi Licensing Policy. There are 10 questions in this section and applicants are expected to get 8 correct.

1.4 Mr Iqbal sat all three tests but did not pass all 3 sections in any one test. His tests results are shown in the following tables:

First Test Result – 17<sup>th</sup> November 2014

	<b>Section 1 Highway Code</b>	<b>Section 2 Locations</b>	<b>Section 3 Law/Policy</b>	<b>Overall Score</b>
<b>Section Score</b>	8/10 = 80%	4½ / 20 = 22½%	10/10 = 100%	22½ / 40
<u>Did not achieve 80% in each of the 3 sections</u>			<b>RE-SIT REQUIRED</b>	

Second Test Result – 9<sup>th</sup> December 2014

	<b>Section 1 Highway Code</b>	<b>Section 2 Locations</b>	<b>Section 3 Law/Policy</b>	<b>Overall Score</b>
<b>Section Score</b>	3/10 = 30%	10½ / 20 = 51%	9/10 = 90%	22½ / 40
<b>Did not achieve 80% in each of the 3 sections</b>			<b>RE-SIT REQUIRED</b>	

Third Test Result – 13<sup>th</sup> February 2015

	<b>Section 1 Highway Code</b>	<b>Section 2 Locations</b>	<b>Section 3 Law/Policy</b>	<b>Overall Score</b>
<b>Section Score</b>	6/10 = 60%	16½ / 20 = 82½%	6/10 = 60%	28½ / 40
<b>Did not achieve 80% in each of the 3 sections - refer to a Committee Hearing</b>				

## 2 OPTIONS

Members have the following options:

1. To decide that the applicant is a fit and proper person to hold a Hackney Carriage/Private Hire driver's licence without the need to sit any more tests.

2. To refuse the application as on the basis of the failed tests that the applicant is not a fit and proper person to hold a Hackney Carriage/Private Hire driver's licence.
3. To require the applicant to sit a fourth test or part of a fourth test within a given timescale.

Members are reminded that the applicant has the right of appeal to the Magistrates' Court, on refusal.

### **3 PROCEDURE**

The procedure for the Committee is set out in **Appendix 1**

### **4 RISK ASSESSMENT**

#### **4.1 Legal**

The Committee must exercise its discretion reasonably.

Section 52 of the Local Government (Miscellaneous Provisions) Act 1976 states that any person aggrieved by:

- I. The refusal of the District Council to grant a licence under Section 51 of the Act, or
- II. Any conditions attached to the grant of a driver's licence may appeal to a Magistrates Court.

Any appeal must be made to the Magistrates Court within 21 days of notification of such a decision.

#### **4.2 Financial**

There are no financial risks arising from this report.

#### **4.3 Corporate Risk**

These decisions are one of the functions in which the Council acts in a quasi-judicial function. It is important that these decisions are robust to protect the reputation the Council has for sound decision making that stands up to scrutiny.

### **5 OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

### **6 CONTACT INFORMATION**

**For further information contact:  
Eileen Tierney, Licensing Manager  
Tel: 01629 761374**

Email: [eileen.tierney@derbyshiredales.gov.uk](mailto:eileen.tierney@derbyshiredales.gov.uk)

**7 BACKGROUND PAPERS**

Test Papers 1, 2 and 3.

**8 ATTACHMENTS**

Appendix 1 - Committee Hearings Procedure.



## **LICENSING AND APPEALS COMMITTEE PROCEDURE (Taxi Licensing)**

1. Introduction by the Chair explaining that the process is not an adversarial one and all comments should be directed through the Chair
2. Report of the Licensing Officer
3. Any questions for the Licensing Officer from Councillors
4. Any questions for the Licensing Officer from the Applicant/Licence Holder (or representative)
5. Statement from Licence Holder/Applicant (or representative)
6. Any questions from Councillors
7. Any questions from the Licensing Officer
8. Summing up by the Licensing Officer
9. Summing up by the Applicant/Licence Holder (or representative)
10. Clarifications required by any party.
11. Councillors retire in order to consider whether the Licensee is/remains a fit and proper person to hold the relevant Licence, whether or not to impose a sanction and if so what it should be.
12. The Chairman will announce the Committee's decision.