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LICENSING & APPEALS COMMITTEE

Minutes of a Meeting held on Wednesday 18 November 2015 in the Committee Room, Town Hall, Matlock at 10.30am.

PRESENT

Councillor Jean Monks - In the Chair

Councillors Tony Millward BEM and Joyce Pawley

Eileen Tierney (Licensing Manager), Gina Slack (Licensing Assistant), Katie Hamill (Solicitor), Simon Johnson (Democratic Services Assistant), Christine Laver (Democratic Services Team Leader)

Applicant

Applicant's Employer

211/15 – ELECTION OF CHAIRMAN

It was moved by Councillor Tony Millward, seconded by Councillor Joyce Pawley and

RESOLVED

(Unanimously)

That Councillor Jean Monks be elected as Chairman of the panel.

212/15 – EXCLUSION OF THE PUBLIC AND PRESS

It was moved by Councillor Jean Monks, seconded by Councillor Joyce Pawley

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.

213/15 – 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 they had failed the written Driver Knowledge Test three times.

The Licensing Officer 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 Officer.

The applicant's representative presented the case.

The Sub-Committee and the Licensing Officer were given an opportunity to question the applicant and representative.

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

214/15 – DECISION -

It was moved by Jean Monks, seconded by Tony Millward

and

RESOLVED
(Unanimously)

That having considered all the evidence put before it, the Committee has determined that the applicant is required to sit and pass a fourth driver knowledge test before their application for a licence to drive a Hackney Carriage / Private Hire vehicle can be determined.

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

The Committee determined that the Licensing Manager is delegated authority to provide assistance and clarification during the test, if needed, and to extend the duration of the test at their discretion.

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 – 11.25am

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.