



## Minutes

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### Licensing Sub-Committee Thursday, 14th November, 2019

#### Attendance

Cllr Jakobsson  
Cllr Keeble

Cllr McCheyne

#### Officers Present

Paul Adams	-	Principal Licensing Officer
Surinder Atkar	-	Planning Solicitor
Caroline Harrison	-	Licensing Officer
Jean Sharp	-	Governance and Member Support Officer
Maria Williams	-	Licensing Officer

#### 259. Appointment of Chair

Members RESOLVED that Cllr McCheyne should chair the meeting.

#### 260. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

#### 261. Determination of Two Applications for Taxi Operators' Licences

The licensing sub-committee was asked to consider applications from Mr Deitch and Mr Woods for the grant of private hire operator's licenses made under section 55 of the Local Government Miscellaneous Provisions Act 1976 because the applications fell outside the Council's policy.

The Act stated that *(1) Subject to the provisions of this part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence: provided that a district council shall not grant a licence*

*unless they are satisfied (a) that the applicant is a fit and proper person to hold an operator's licence; and (b) if the applicant is an individual, that the applicant is not disqualified by reason of the applicant immigration status from operating a private hire vehicle."*

The Council's Pre-Licensing Conditions stated at 1.1 that "a person being considered for a Private Hire Vehicle Operator's Licence shall have been a full time licensed Private Hire Vehicle Driver or Hackney Carriage Driver within the Borough for not less than TWO years immediately preceding the first application."

Note 2 of the Council's Pre-Licensing Conditions also provided that "All relevant information will be taken into account when consideration is given to an application for a Private Hire Vehicle Operator's Licence, and it might be that the standards and requirements are waived or amended or added to at the discretion of the Council."

Note 3 of the Council's Pre-Licensing Conditions also provided that "A licence will not be issued in the name of a company or partnership if any officer of that company or member of that partnership would be refused a licence to drive a Private Hire Vehicle or Hackney Carriage by reason of convictions recorded against him."

The Sub Committee should always have regard to the Council's policy but may depart from its policy in exceptional circumstances should there be good reason to do so based on the merits of the individual case.

A DBS check had shown that both applicants had no unspent convictions and both had supplied character references which were appended to the individual reports.

Members of the sub-committee were satisfied that both applicants were fit and proper people and **GRANTED** the licences as applied for. The statutory requirements had been met and in any event a precedent had been set in the past where a license had been granted in similar circumstances.