

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 25 June 2024 at 10.01 am.

Present:

Chairman: Councillor G Cowan

Councillors: P M Brivio  
M F Hibbert  
O C de R Richardson

Officers: Principal Lawyer - Litigation and Regulatory  
Licensing Manager  
Democratic Services Officer

Also Present: Applicant (Minute No.12)

7 APOLOGIES

An apology for absence was received from Councillor J P Loffman.

8 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

9 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

10 MINUTES

The Minutes of the meeting held on 4 June 2024 were approved as a correct record for signing by the Chairman.

11 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor O C de R Richardson, duly seconded and

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the items to be considered involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A of the Act.

12 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVERS' LICENCE

The Committee considered the report of the Licensing Manager on an application for a one-year Joint Hackney Carriage and Private Hire Drivers' Licence. The application was referred to the Committee to determine whether the applicant was a Fit and Proper Person to hold such a licence in light of the applicant's conviction received in May 2024.

In accordance with the approved procedure Members heard from the applicant in respect of the conviction, their family circumstances and the need for flexibility in their working hours hence wanting to become a taxi driver.

The Committee noted that the disclosure from the Disclosure and Barring Service received on 1 May 2024 showed no convictions and that the applicant had disclosed the details of the conviction on 2 May 2024. The applicant was reminded of the Council's policy and the Council's approach to convictions and cautions when determining whether or not an applicant was a Fit and Proper Person to hold a driver, vehicle or operator licence and that, as stated within the policy with regard to their particular conviction, a licence would not be granted until at least 5 years had elapsed.

It was further noted that notwithstanding the policy, each application would be determined on its own merits and where necessary to depart substantially from the policy, clear and compelling reasons for doing so would be given.

The Committee withdrew from the meeting along with the Principal Lawyer – Litigation and Regulatory to consider its decision. Upon returning the legal advisor reported that the Committee, having considered the Council's policy in relation to the applicant's conviction and the Fit and Proper Person test, recognised the serious risk of the offence that led to the conviction and that there was no clear and compelling reason to depart from the policy.

**RESOLVED:** That, given there being no clear and compelling reason to depart from the Council's policy, the application for a Joint Hackney Carriage and Private Hire Drivers' Licence be REFUSED.

The meeting ended at 10.42 am.