

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 15 October 2024 at 11.00 am.

Present:

Chairman: Councillor G Cowan

Councillors: J P Loffman  
P M Brivio  
M F Hibbert  
M P Porter (as substitute for Councillor O C de R Richardson)

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

Also Present: Applicant (Minute No.18)  
Supporting Person (Minute No.18)

13 APOLOGIES

An apology for absence was received from Councillor O C de R Richardson.

14 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor M P Porter be appointed substitute for Councillor O C de R Richardson.

15 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

16 MINUTES

The Minutes of the meeting held on 25 June 2024 were approved as a correct record for signing by the Chairman.

17 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor J P Loffman, 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.

18 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - JOINT DRIVERS LICENCE

The Committee considered the report of the Licensing Manager on an application for a Joint Hackey 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 matters contained within the restricted report.

In accordance with the approved procedure Members heard from the applicant and the applicant's supporting person in respect of the applicant's character and the matters which led to the application being put before the Committee for their consideration. Members had the opportunity to ask questions of the applicant and their supporting person. The supporting person also gave Members the opportunity to ask questions of the applicant without them being present and they left the room.

The Committee withdrew from the meeting along with the Principal Lawyer – Litigation and Regulatory to consider its decision. Upon returning the legal advisor set out the Committee's considerations when determining whether they considered the applicant to be a Fit and Proper Person including the duty of the Licensing Authority to consider whether 'without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel in a vehicle driven by this person at any time of day or night?'. If, on the balance of probabilities, the answer to the question was no, the individual should not hold a licence; an applicant should not be given the benefit of doubt.

RESOLVED: That the Committee determined that the applicant is not Fit and Proper and the application for a Joint Hackney Carriage and Private Hire Driver's licence be REFUSED.

The meeting ended at 12.40 pm.