

Minutes of **General Licensing Sub-Committee**

Meeting date **Tuesday, 12 September 2023**

Members present: Councillors Jane Bell (Chair), James Gleeson, Lesley Pritchard and Emma Stevens

Officers: Chris Ward (Licensing Manager), Tasneem Safdar (Shared Legal Services Team Leader) and Coral Astbury (Democratic and Member Services Officer)

Other members and officers:

Public: 0

15 Apologies for absence

No apologies were received.

16 Declarations of Any Interest

There was no declarations of interest.

17 Exclusion of the Press and Public

Resolved: (Unanimously)

That the press and public be excluded for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

18 New Driver Application

The Chair referred to the circulated established procedure for hearings and the process that would be followed.

The Licensing Manager outlined the report of the Director of Planning and Development and explained the application was referred to members for a decision as the applicant had not been resident in the UK for a period of ten years and was unable to obtain a Certificate of Conduct from his home country for the period 2013 – 2015, as required by the Hackney Carriage and Private Hire Licensing Policy. This had been confirmed with the embassy. The applicant was also unable to obtain a passport from the country.

The Licensing Manager explained that the Applicant had been residing in the UK for a period of eight years having left his home country in 2015 to claim asylum in the UK. A clean DBS certificate for the period of eight years of residence in the UK had

been provided and the Applicant assured officers he has never been in any trouble previously.

Officers had conducted a formal interview with the Applicant, who answered all questions and gave succinct answers as to why he could not provide the requested information. During the interview, officers did not find any reason to presume the Applicant should not be deemed a fit and proper person.

The Applicant had explained that he was currently working as a chef but wished to change his job to taxi driving as it would provide more flexibility for him and his family.

The Licensing Manager explained that members were required to determine whether the Applicant was considered to be a fit and proper person to be granted a licence considering his circumstances.

The Licensing Manager explained his impartiality but requested members to consider the following circumstances when making their decision:

- The Applicant has no convictions on his DBS,
- All relevant application criteria had been met,
- The Applicant was unable to obtain the certificate due to circumstances outside of his control having left his country in distressing circumstances,
- The Applicant had been a UK resident for eight years and had recently been granted naturalisation and a UK passport,
- Officers had found the Applicant to be open and transparent.

Members were given copies of the Applicant's naturalisation documents and British passport.

Questions by the sub-committee to the Licensing Manager

In response to a member enquiry, the Licensing Manager confirmed that DBS checks were undertaken every six months.

There were no questions by the applicant to the Licensing Manager.

Representations by the applicant

The Applicant confirmed that he had nothing additional to add to the Licensing Manager's report.

Questions from the Sub Committee

The Applicant gave the following responses to questions by the sub-committee:

- He had been working as a chef for over five years with different employers, prior to this he was working as a SIA accredited security guard for Marks and Spencer in Lancaster. The SIA badge had expired in March 2023.
- He wished to change roles as his partner was expecting another baby and he would need a more flexible role.

Summing up

When summing up the Licensing Manager explained that members could choose to depart from the policy if they deemed there were exceptional circumstances. The Licensing Manager highlighted that the fact The Applicant could not obtain a Certificate of Conduct was due to circumstances out of his control.

The Applicant had nothing further to add.

In reaching its decision the sub-committee considered the following:

1. Both Written and Oral Evidence presented in connection with the hearing
2. The Local Government (Miscellaneous Provisions) Act 1976/Town Police Clauses Act 1847 (where applicable)
3. Hackney Carriage and Private Hire Licensing Policy – Section 5.6
4. The Statutory Taxi and Private Hire Vehicle Standards guidance
5. The Statutory fit and proper person test.

Members resolved: -

1. To grant the Private Hire Driver's Licence for the following reasons:
 - The Panel were of the view that there were exceptional circumstances which would allow them to depart from policy and grant the licence.
 - The Applicant has no convictions on his DBS since arriving in the UK,
 - All relevant application criteria had been met, except the Certificate of Conduct, due to circumstances outside of his control having left his country in distressing circumstances,
 - The Applicant had been a UK resident for eight years and had recently been granted naturalisation and a UK passport,
 - The Applicant had held an SIA badge which indicates a level of responsibility.

Chair

Date