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Licensing & Appeals

Minutes of a Licensing & Appeals meeting held at 6.00 pm on Tuesday, 17th January, 2023 in the Council Chamber, Town Hall, Bank Road Matlock DE4 3NN.

PRESENT

Councillor Andrew Statham - In the Chair

Councillors: Mark Wakeman, Graham Elliott, Janet Rose, Stuart Lees, Steve Wain, Jacqueline Allison, Neil Buttle and Colin Swindell

Tim Braund (Director of Regulatory Services), Eileen Tierney (Licensing Manager), Karen Henriksen (Director of Resources), Kerry France (Legal Services Manager) and Angela Gratton (Democratic Services Officer)

Note:

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APOLOGIES

Apologies for absence were received from Councillor(s): Tom Donnelly, Dermot Murphy, Paul Cruise and Dawn Greatorex

253/22 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Colin Swindell, Seconded by Councillor Graham Elliott and

RESOLVED (unanimously)

That the minutes of the meeting of the Licensing and Appeals Committee held on 21 September 2022 be approved as a correct record.

The Chairman declared the motion **CARRIED**.

254/22 - INTERESTS

There were no declarations of interest.

255/22 - PUBLIC PARTICIPATION

There was no public participation.

256/22 - REVIEW OF HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY 2023 - CONSULTATION

The Licensing Manager provided Members with an update on the review of the Council's Taxi and Private Hire Licensing Policy, three recommendations were given in connection with the report, all of which related to approval of the draft Taxi and Private Hire Licensing Policy so that a consultation exercise could be carried out, and for the results of the consultation to be reported to a future meeting of the Committee.

The Licensing Manager went through the key issues detailed in the report that the Department for Transport considered all Councils need to include as part of their Taxi and Private Hire Licensing Policy if not already covered. It was noted that 4 of the key issues had not been addressed in the draft policy document and it was recommended that they should be included in the document, if the consultation exercise was approved.

Members were informed that the full consultation on the proposed revisions to the policy would include not only the Taxi and Private Hire trade, but other stakeholders, for example, the general public, fare paying passengers, minority groups, organisations with a wider transport interest, eg Derbyshire County Council's Special Needs Education Transport Team, etc, other teams within the Council, and other statutory bodies, such as the police, local safeguarding, HMRC and the Immigration Office.

It was moved by Councillor Steve Wain, Seconded by Councillor Graham Elliott and

RESOLVED (unanimously)

1. That the Draft Taxi and Private Hire Licensing Policy (detailed in Appendix 1) be approved for consultation purposes with the addition of the following key issues:
 - That Taxi & PHV licensed drivers be required to self-report within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
 - Where to find details of the Council's procedure for making complaints about licensed drivers/operators.
 - Where to find details of the Licensing Authority's whistle-blowing policy for Officers and Councillors.
2. That consultation on the draft policy be undertaken for an 8-week period from 1st February to 31st March 2023.
3. That the results of the consultation exercise be reported to a future meeting of this Committee for further consideration, so that a Final Draft Taxi and Private Hire Licensing Policy can be agreed for referral to Council seeking approval to adopt and republish.

The Chairman declared the motion **CARRIED**.

257/22 - APPEAL AGAINST OFFICER DECISION TO REJECT AN APPLICATION FOR DISCRETIONARY RATE RELIEF

The Director of Resources introduced a report which asked Members to determine an appeal against an officer decision to reject an application for discretionary rate relief. The Council has a policy for Discretionary Rate Reliefs, which was shown in Appendix 1 of the report.

The rate payer's original application for hardship relief and supporting information were reproduced in Appendix 2 to the report.

The application was considered by the Director of Resources and assessed against the criteria set out in the Policy, especially the section of the Policy on "Business Rate Relief on the Grounds of Hardship".

The Director of Resources informed Members of the reasons behind the officer decision to reject the application, as were detailed in Appendix 3 to the report, referring to the appropriate policy criteria. It was also suggested that a payment plan be offered.

The rate payer's request for an appeal, grounds for the appeal and further information were reproduced in Appendix 4 to the report.

At 6:50pm the Chairman excluded the Officers and they left the meeting whilst Members considered the item.

It was moved by Councillor Jacqueline Allison, Seconded by Councillor Colin Swindell and

RESOLVED (unanimously)

1. That the procedure outlined in paragraph 2.3 of the report be adopted for this hearing.
2. That the Officer decision be upheld and the appeal dismissed.

The Chairman declared the motion **CARRIED**.

Meeting Closed: 7.00 pm

Chairman