



5 February 2018

Dear Sir/Madam

A meeting of the Licensing and Appeals Committee will be held on Tuesday, 13 February 2018 in the New Council Chamber, Town Hall, Beeston at 2.00pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To: Members of the Licensing and Appeals Committee:

|                          |                   |
|--------------------------|-------------------|
| E H Atherton             | R D MacRae        |
| D Bagshaw                | J C Patrick       |
| D A Burnett (Chair)      | M E Plackett      |
| M J Crow                 | K E Rigby         |
| T A Cullen               | P D Simpson       |
| W J Longdon (Vice Chair) | A W G A Stockwell |

## AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. MINUTES

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The Committee is asked to confirm as a correct record the minutes of the meeting held on 16 January 2018.

4. EXCLUSION OF PUBLIC AND PRESS

**The Committee is asked to RESOLVE that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, and 2 of Schedule 12A of the Act.**

5. APPEAL AGAINST DISMISSAL

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BUNDLE A  
BUNDLE B

## LICENSING AND APPEALS COMMITTEE

16 JANUARY 2018

Present: Councillor D A Burnett, Chair

|                           |                   |
|---------------------------|-------------------|
| Councillors: E H Atherton | R D MacRae        |
| D Bagshaw                 | J C Patrick       |
| E Cubley (substitute)     | M E Plackett      |
| T A Cullen                | P D Simpson       |
| W J Longdon               | A W G A Stockwell |

Apologies for absence were received from Councillors M J Crow, M Radulovic MBE and K E Rigby. It was noted that Councillor Radulovic had tendered apologies for the morning session of the Committee but that he intended to be present to participate in agenda item 7.

### 21. DECLARATIONS OF INTEREST

Councillor R D MacRae declared an interest in agenda item 7 and would withdraw from the meeting when the item was debated.

### 22. MINUTES

The minutes of the meeting held on 21 November 2017 were confirmed as a correct record and signed.

### 23. EXCLUSION OF PUBLIC AND PRESS

**RESOLVED** that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Schedule 12A of the Act.

### 24. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

The Committee noted the hearing procedure, with particular reference to the Council's policy, natural justice and the code of conduct.

Members considered the representations made by the applicant, who appeared in person, the Council's licensing representative, the relevant legislation and the Council's Licensing Policy.

The Committee fully considered the applicant's verbal and written representations and considered that his previous convictions were very relevant and too serious, falling well outside the Council's policy.

**RESOLVED that the applicant is not a fit and proper person to hold a hackney carriage/private hire driver's licence and the application be refused.**

25. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

The Committee noted the hearing procedure, with particular reference to the Council's policy, natural justice and the code of conduct.

Members considered the representations made by the applicant, who appeared in person accompanied by a supporter, the Council's licensing representative, the relevant legislation and the Council's Licensing Policy.

The Committee gave strong consideration to the applicant's supporter's evidence given on his behalf.

**RESOLVED that the applicant is a fit and proper person to hold a hackney carriage/private hire driver's licence and the application be granted.**

26. APPEAL AGAINST STAGE 2 DECISION UNDER THE COUNCIL'S  
GRIEVANCE POLICY

The Committee noted the hearing procedure, with particular reference to the Council's policy, natural justice and the code of conduct.

Members considered the representations made by the applicant, who appeared in person, and the Interim Deputy Chief Executive.

In respect of the appellant's grounds of appeal in relation to reduction in salary:

**RESOLVED that Grounds 1-5 of the appellant's submissions be rejected.**

In respect of the appellant's grounds of appeal in relation to reduction in salary owing to the end of a Partnership agreement:

**RESOLVED that:**

- 1. Ground 1 of the grievance in respect thereof be upheld and that no attempts should be made to recover the amount of overpayment alleged to be owed to the Council, nor further request for repayment be made of the appellant.**
- 2. The reduction in salary from October 2017 was in error and that any back pay owed should (subject to the findings made in respect of the grievance appeal relating to occupational sick pay) be paid back to the appellant.**