

**APPEAL AGAINST REFUSAL TO GRANT A HACKNEY CARRIAGE DRIVER'S
LICENCE TO ORLANDO COLELLA**

RECOMMENDATION

1. To note the outcome of an appeal against the refusal to grant a Hackney Carriage Driver's Licence to Orland Colella (the Appellant).

SUPPORTING INFORMATION

- 2.1 On 19 December 2006 the Appellant made an application to the Taxi Licensing Sub-Committee for a hackney carriage driver's licence. The Appellant attended the meeting and addressed the Sub-Committee
- 2.2 The Sub-Committee resolved to refuse the Appellant's application for a hackney carriage driver's licence on the grounds that the Sub-Committee did not consider him to be a fit and proper person to hold a licence due to his previous convictions, failure to acknowledge that his previous convictions were relevant to the Sub-Committee's consideration as to whether or not he was a fit and proper person to hold a licence, his challenge to the Sub-Committee's members' expertise and knowledge and confrontational behaviour at the meeting.
- 2.3 The Appellant appealed against the Council's decision to the Southern Derbyshire Magistrates' Court on 9 January 2007 and the matter was listed for a first hearing on 23 February 2007.
- 2.4 The Appellant attended the first hearing and the matter was adjourned to 29 March 2007 for trial.
- 2.5 At the trial the District Judge, after hearing all the evidence, concluded that the Appellant was not a fit and proper person to hold a licence and the decision of the Council to refuse to grant the licence was upheld.
- 2.6 The Council's solicitor made an application for costs of £470.00 but no order for costs was made by the District Judge due to the Appellant's dire financial circumstances.

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Background papers: None
List of appendices: Appendix 1 – Implications

IMPLICATIONS

Financial

1. The costs of defending the appeal to be met from existing budgets.

Legal

2. As set out in the report.

Personnel

3. None.

Equalities impact

4. None.

Corporate priorities

5. The Council's Guidelines in considering applications for Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators used by the Taxi Licensing Sub-Committee in determining applications contribute to the council's objectives of protecting and supporting people and a healthy environment.