

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor S P Dickins

Councillor D Hugill

LAHP.11 **EXCLUSION OF THE PUBLIC AND PRESS**

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the item of business at minute no LAHP.12 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LAHP.12 **APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

The subject of the decision:

The Panel was asked to consider whether to grant or refuse an application for a hackney carriage and private hire driver licence submitted by the applicant ("Mr P").

Alternative options considered:

The Panel considered granting the licence but, in accordance with section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority cannot grant a licence where it is not satisfied that the applicant is a fit and proper person.

The reason for the decision:

The Panel considered the Executive Director's report, Mr P's application for a hackney carriage and private hire driver licence, the Disclosure and Barring Service enhanced criminal record check for Mr P, written and oral representations from and on behalf of Mr P, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel reached the following conclusions:

The Panel considered the Disclosure and Barring Service enhanced criminal record check for Mr P, particularly in relation to:

- the relevance of the offences;
- the seriousness of the offences;
- the dates of the offences and convictions;
- the sentences imposed by the courts; and
- the applicant's age at the time of the convictions.

The Panel was satisfied that the offences relating to theft, criminal damage, public order, perjury and breaches of court orders were relevant for determining an application for a hackney carriage and private hire driver licence.

The Panel had concerns in respect of a conviction in January 2001 for an offence under the Perjury Act 1911. Mr P told the Panel that the conviction was in relation to an incident where he lied in court after he was found in charge of a vehicle under the influence of alcohol. The Panel took a serious view of the 33 month detention in a young offenders' institution imposed by the court.

The Panel had general concerns about a number of offences relating to dishonesty, particularly in light of the Council's Hackney Carriage and Private Hire Licensing Policy. The Panel noted that in accordance with the policy a licensed driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

The policy indicates that a licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence. The Panel was satisfied that Mr P had several convictions for dishonesty offences and that he was unable to convince the Panel that his specific circumstances justified making an exception to the policy.

The Panel acknowledged that the offences occurred over ten years ago and that Mr P was aged between 17 years and 20 years at the time he was convicted. The Panel accepted Mr P's submission that he was immature and that he is now a father of three with a very different lifestyle. However, the Panel was not satisfied that Mr P had provided sufficient evidence in support of his application to demonstrate that he was a fit and proper person to hold a hackney carriage and private hire driver licence. The Panel noted that the onus is on the applicant to demonstrate he is a fit and proper person.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence the Panel reached the following conclusions:-

The Panel was not satisfied that Mr P was a fit and proper person to hold a hackney carriage and private hire driver licence and the application was refused.

The Panel noted that Mr P would be entitled to make a future application in which case the Panel would expect Mr P to produce more supporting evidence as to his fitness and propriety.

The meeting closed at 10.30 am

Chairman of the Panel