

Minutes of the meeting of the LICENSING AND
APPEALS HEARINGS PANEL held at 1.30 pm on
Monday, 26th September, 2016 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor S P Dickins

Councillor R Kirk

LAHP.13 **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.14 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.14 **APPLICATION FOR 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 H").

Alternative options considered:

The Panel considered the options outlined in the Executive Director's report and it was satisfied that Mr H was a fit and proper person to hold a hackney carriage and private hire driver's licence. Therefore, it was not necessary to refuse the application.

The reason for the decision:

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

The Panel reached the following conclusions:

- The Panel noted that Mr H failed to disclose a number of convictions on a hackney carriage and private hire application form in March 2016. This application was subsequently refused on the basis that Mr H had failed to provide sufficient evidence to demonstrate that he was a fit and proper person. On the current application form before the Panel Mr H disclosed all of his previous convictions. The Panel considered representations from Mr H that he did not disclose all of his convictions on the previous application as he could not recall the exact details of

the offences. Although the Panel was not satisfied that the convictions could be easily forgotten with the passing of time, it did accept that the exact details may have been difficult to recall. However, the Panel concluded that an explanation should have been offered on the application form. In any event, the Panel was satisfied that Mr H was aware that there would be an enhanced criminal record check, which would reveal his previous convictions, and as such Mr H had not attempted to conceal these from the Council.

- The Panel considered the Disclosure and Barring Service enhanced criminal record check for Mr H and was satisfied that the offences relating to theft, fraud and driving under the influence of alcohol were relevant for determining an application for a hackney carriage and private hire driver licence. The Panel noted that the convictions took place many years in the past. The Panel noted that the convictions were recorded between 1997 and 2004 and, therefore, the Panel had regard to the conviction-free period since 2004 and the present day.
- The Panel considered the written and oral representations made in respect of Mr H's character since his last conviction in 2004. In particular the Panel considered Mr H's circumstances at the time of the convictions and his representations regarding his reformed character. The Panel noted Mr H's voluntary work for a charity and as an accredited escort for children in vehicles transporting children to and from school. The Panel considered the content of the character reference of the taxi operator for whom Mr H currently volunteers as a school contract escort and who would employ Mr H should he be successful in his application. The Panel gave appropriate weight to this support.

THE DECISION:

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

The Panel was satisfied that Mr H is a fit and proper person to hold a hackney carriage and private hire driver licence and the application was granted.

The meeting closed at 2.20 pm

Chairman of the Panel