

Present

Councillor R A Baker
P Bardon

Councillor D M Blades

LAHP.5 **ELECTION OF CHAIRMAN**

That Councillor R A Baker be elected Chairman for the duration of the meeting.

(Councillor R A Baker in the Chair)

LAHP.6 **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.6 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.7 **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 ("A").

Alternative options considered:

The Panel considered the options outlined in paragraph 6 of the Director's report and it was satisfied that it was not necessary to refuse to grant the licence.

The reason for the decision:

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

The Panel considered the relevance, seriousness and temporal proximity of the caution recorded on A's enhanced criminal record check.

The Panel reached the following conclusions:

- The Panel noted that A had accepted a caution for an offence of assault against his wife, which occurred in January 2015. A told the Panel that, at the time of the incident, he was under significant emotional stress as he had been informed that his wife was committing adultery. A told the Panel that the incident occurred after he had confronted his wife and that he had pushed past her to leave the marital home. A told the Panel that it was a mistake and that the incident was something he regretted. A informed the Panel that he and his wife had remained together following the incident. However, they have since separated twelve months ago.
- A informed the Panel that, following the incident, he had undergone some counselling and stress management. A informed the Panel that he now has an amicable relationship with his ex-wife. The Panel considered evidence that A had been previously licensed by the Council from 2011 to 2014 with no history of misconduct. A informed the Panel that he is currently employed as senior chef. However, A indicated that he has applied for a hackney carriage and private hire driver licence for increased flexibility for working patterns to accommodate more regular access to his children.
- The Panel acknowledged that A's personal circumstances have changed since the time of the incident. The Panel was satisfied that A regretted his conduct during the incident and had since undertaken counselling and stress management. The Panel was satisfied that the incident in January 2015 was an isolated incident which A regretted. The Panel concluded that A's historical conduct did not give rise to any significant concern in the context of his application for a hackney carriage and private hire driver licence.
- A informed the Panel that, since submitting his application in May 2017, he had had three penalty points endorsed on his DVLA driver licence for exceeding the speed limit. The Panel acknowledged paragraph 8.9 of Annex A of the Council's Policy, which indicates that applicants with nine or more points on their DVLA licence in any rolling three year period would normally be refused. The Panel was satisfied that three points endorsed on A's DVLA licence for an isolated speeding offence did not raise any significant concerns about his driving manner. The Panel noted that, if A receives any further penalty points, this may give rise to concerns in respect of his driving manner in the future.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence the Panel was satisfied that A 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 9.35 am

Chairman of the Panel