

Present

Councillor S P Dickins  
R Kirk

Councillor N A Knapton

LAHP.4 **ELECTION OF CHAIRMAN**

**THE DECISION:**

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

(Councillor R Kirk in the Chair)

LAHP.5 **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.6 **APPLICATION FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE**

All Wards

**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.

**Alternative options considered:**

The Panel considered the options outlined in the Director's report but having concluded that the applicant was not a fit and proper person to hold a hackney carriage and private hire driver's licence the only suitable option was to refuse the application. Therefore, the Panel did not consider it appropriate to grant the application.

**The reason for the decision:**

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

The Panel considered the applicant's driving offence from 2016 and the subsequent endorsement of his DVLA driving licence. The Panel concluded that this offence alone would not preclude him from holding a hackney carriage and private hire driver licence.

The Panel also considered the applicant's conviction for assault in May 2018. The applicant informed the Panel that he is a private landlord and was owed rent from a previous tenant ("X") which he had struggled to recover. The Panel was informed by the applicant that in early 2018 and by coincidence he had seen X in a vehicle in a car park, had approached X's vehicle and asked X to pay him the money owed. According to the applicant, X told the applicant to "fuck off". The applicant also told the Panel that during this discussion X "took a swing" at him. The applicant informed the Panel that his automatic reaction was to retaliate and he punched X. The Panel was concerned that the applicant had instinctively acted in a violent manner thereby demonstrating an apparent loss of control. The applicant told the Panel that in the circumstances he believed he had a right to defend himself, although he accepted he should not have hit X.

The applicant informed the Panel that he had operated a licensed premises for 30 years and was used to dealing with pub brawls where he would seek to calm violent occurrences.

The Panel noted that, according to the Council's Policy, a licence will not normally be granted where the applicant has a conviction for common assault or something similar within three years of the date of application. The Panel was concerned that the applicant had been convicted just three weeks prior to making his application. The Panel was also concerned that the applicant aggressively pursued a debt and retaliated to conflict with violence. The Panel noted that licensed drivers are required to deal with people who may be offensive or try to avoid payment. The Panel was not satisfied that the applicant had demonstrated that he was a suitable character to act as a hackney carriage and private hire driver.

**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 the applicant was a fit and proper person to hold a hackney carriage and private hire driver licence and the application was refused.

The meeting closed at 10.05 am

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Chairman of the Panel