

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor P Bardon

Councillor S Watson

LAHP.4 **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.5 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.5 **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 H").

Alternative options considered:

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

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, oral representations from 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 had incorrectly declared on his application that he had only been convicted of one offence and that he failed to disclose all his previous convictions. Mr H told the Panel he had forgotten about the other offences. Despite the convictions for these offences occurring over ten years ago the Panel did not accept Mr H's submission that he had forgotten those convictions when completing the application for a hackney carriage and private hire driver licence.

The Panel concluded that it was very unlikely that conviction of a criminal offence could be easily forgotten with the passing of time and Mr H's failure to disclose these convictions gave rise to concern as to Mr H's fitness and propriety.

- The Panel considered the Disclosure and Barring Service enhanced criminal record check for Mr H and was satisfied that the offences relating to dishonesty and driving under the influence of alcohol were relevant for determining an application for a hackney carriage and private hire driver licence. The Panel acknowledged that the offences occurred over ten years ago, however, the nature of offences gave the Panel concern about Mr H's fitness and propriety to hold a driver licence.
- When invited to make oral representations at the hearing Mr H told the Panel about his employment history and his reasons for applying for a driver licence. Mr H made no other submissions in support of his application whether written or oral.
- The onus is on the applicant to demonstrate he is a fit and proper person to hold a hackney carriage and private hire driver licence. The Panel concluded that Mr H did not provide sufficient evidence in support of his application to demonstrate that he is a fit and proper person to hold a licence.

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 Mr H 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 10.00 am

Chairman of the Panel