

Minutes of the meeting of the LICENSING AND
APPEALS HEARINGS PANEL held at 9.30 am on
Wednesday, 26th September, 2018 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor M A Barningham (in the Chair)

Councillor K G Hardisty

Councillor R Kirk

LAHP.10 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.11 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.11 APPLICATION FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER 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 a fit and proper person to hold a hackney carriage and private hire driver's licence, the Panel did not consider it appropriate to refuse 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 applicant informed the Panel that the convictions in February 2006 for drink driving and failing to stop after an accident followed an incident in which nobody else was involved. The applicant accepted responsibility for his wrongdoings and demonstrated remorse for his actions.

The applicant informed the Panel that the offence for common assault in May 2007 related to a heated argument which culminated in the applicant striking another person with the back of his hand as he attempted to leave the room. The applicant assured the Panel that he did not punch or kick the victim but, again, he accepted responsibility for his wrongdoings.

The Panel was informed that the applicant rarely drinks and that he attended a drink awareness course following his conviction in 2006. The applicant assured the Panel that there was no risk of him reoffending.

The applicant informed the Panel that he had worked for three years in the licensed trade and for fifteen years on building sites during which he was often subject to verbal abuse. The applicant assured the Panel that he had no issues with his temper and that he had demonstrated an ability to deal with confrontation in an appropriate manner throughout his career.

The applicant informed the Panel that he was going through a divorce in 2006 and therefore his current personal circumstances were very different to those at the time of his convictions.

The Panel also considered a character reference provided by the applicant's prospective employer.

The Panel was satisfied that the applicant's convictions were historic and that he had remained free from conviction for over eleven years. The Panel was also satisfied that the applicant had demonstrated regret for his previous wrongdoings and accepted his assurances that there would be no repeat.

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

The meeting closed at 9.57 am

Chairman of the Panel