

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING SUB-COMMITTEE

Thursday, 30 May 2019

5.30 pm

Committee Room 3, City
Hall

Membership: Councillors Pat Vaughan (Chair), Loraine Woolley (Vice-Chair), Kathleen Brothwell, Adrianna McNulty and Alan Briggs

Substitute members: Councillors Biff Bean

Officers attending: Louise Simpson, Will Allen, John Cunliffe, Legal Services, Democratic Services, Becky Scott (Legal and Democratic Services Manager) and Ian Cullen

AGENDA

SECTION A	Pages
1. Confirmation of Minutes from 21 March 2019	3 - 6
2. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
3. Exclusion of Press and Public	
You are asked to resolve that the press and public be excluded from the meeting during the consideration of the following item(s) because it is likely that if members of the press or public were present, there would be disclosure of 'exempt information'	
SECTION B	
4. To Interview an Applicant for a Private Hire Driver's Licence who is Unable to Provide a Certificate of Good Conduct (06/2019)	7 - 12

[Exempt Paras 1]

This page is intentionally blank.

Present: Councillor Pat Vaughan (*in the Chair*),
Councillor Loraine Woolley, Councillor Kathleen Brothwell
and Councillor Adrianna McNulty

Apologies for Absence: Councillor Andy Kerry

24. Confirmation of Minutes

RESOLVED that the minutes of the meeting held on 28 February 2019 be noted.

25. Declarations of Interest

No declarations of interest were received.

26. Exclusion of Press and Public

RESOLVED that the press and public be excluded from the meeting during consideration of the following item(s) of business because it is likely that if members of the public were present there would be a disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

27. To Interview an Applicant for a Private Hire Driver's Licence who has Previous Convictions

The applicant handed over an employment reference before entering the room.

The Licensing Officer:

- a) Stated that the applicant came into City Hall on 17 January 2019 to apply for a new Private Hire Drivers Licence.
- b) Highlighted that the applicant declared that he had a previous conviction for burglary from a dwelling and received a 12 month prison sentence and a fixed penalty for speeding. The applicant also stated that he had previous convictions which he couldn't remember as they were from when he was younger.
- c) Highlighted that a DBS check had revealed a total of 7 offences, 6 of which were classed as dishonest offences.
- d) Explained that under the current policy in relation to relevant convictions it stated a minimum of 5 years free from completion of a sentence should be required before granting a licence. The policy also stated that a licence would not normally be granted if an applicant had more than one conviction for a dishonesty offence.
- e) Highlighted that the applicant achieved a low risk on his driving test and scored 9 out of 10 on his knowledge test on the first attempt. He had a full clean driving licence.

The Sub-Committee questioned the applicant about his convictions.

The applicant explained that he was young and inexperienced when the first offences took place. One of the offences was of theft from his employer on a newspaper delivery round.

The offence for the burglary of a dwelling in 2010 was for a property that he rented in which he burgled the property after moving out in order to recover his deposit, which he felt the landlord had unreasonably failed to refund. The applicant said he did not take anything other than what he felt he was owed by his landlord.

The two burglary convictions in 2012 occurred when the applicant left the Territorial Army and could not find work. The applicant said that he fell in with the wrong crowd. The burglary convictions were for two different dwellings, for which he was sentenced concurrently to serve 16 months in prison.

The applicant went on to explain that he had been unemployed for the first twelve months after leaving prison but had not resorted to crime. He had subsequently been in continuous employment since 2013 and had been honest with his employers about his criminal record. Between 2013 and 2018 he had been employed by a large and reputable company, eventually earning their trust in a customer facing role requiring him to enter customers' homes unsupervised. He had changed employment in October 2018 to join another reputable company and presented the Sub-Committee with a good character reference from his present employer.

Decision

That the Private Hire Vehicle Driver's Licence be granted with yearly DBS checks until further notice.

Reasons for the Decision

1. The Sub-Committee believed that the applicant had reformed his character after leaving prison.
2. The applicant no longer associated with the former acquaintances that had led him into trouble and had relocated his home away from them.
3. The applicant had been honest and open about his criminal convictions both to his employers and to the Sub-Committee.
4. The applicant had not been convicted of any offences since being released from prison, even though he had experienced a period of 12 months unemployment immediately after his release.
5. The applicant had held two jobs since leaving prison and had obtained a good character reference from his current employer which he presented to the Sub-Committee. He had eventually been placed in positions of trust by his employers including being allowed to enter customers' homes unsupervised.
6. The applicant presented himself well and was thoughtful, gentle and calm in his responses to the Sub-Committee.

7. The applicant had a qualification in Health and Safety and was aware of the requirements of safeguarding.
8. The applicant gave good answers to the Sub-Committee's questions, in particular with regards to how he would handle difficult customers as a taxi driver and how he would safeguard customers.
9. The applicant explained that he had settled down and now had a family to support, which he would not disappoint.
10. The Sub-Committee noted that the applicant had been free of criminal convictions and free from completion of sentence in excess of five years, in accordance with the current statement of policy.
11. The Sub-Committee were of the view that the applicant was fit and proper and consequently that in this case it should depart from its present policy regarding convictions for more than one dishonesty offence and grant the licence, provided that the applicant was required to provide a clean DBS certificate every year until further notice.

This page is intentionally blank.

Document is Restricted

This page is intentionally blank.

Document is Restricted

This page is intentionally blank.