

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

**Apologies for Absence:** Councillor Adrianna McNulty

**14. Confirmation of Minutes - 1 August 2019**

The minutes from the previous meeting were confirmed.

**15. Declarations of Interest**

No declarations of interest were received.

**16. 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.

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

The Licensing Officer:

- a) Explained that the applicant came into City Hall on the 18<sup>th</sup> April 2019 to apply for a new Private Hire Drivers Licence.
- b) Highlighted that the applicant stated that in May 2011 he had been convicted of domestic violence for which he received 80 hours community service and a probation requirement.
- c) Explained that the applicant stated he received a further 2 convictions for theft of mail in Transmission from 7 March 2019.
- d) Highlighted that the applicant completed the Driver Improvement Programme achieving a low risk and passed the knowledge test with 8 out of 10 correct. Both tests were completed successfully at the first attempt.
- e) Explained that a DBS check was carried out and upon sight showed 5 offences, 3 in 2011 (2 counts of battery and 1 destroy or damage to property) and 2 in 2019 (both for theft of mail in transmission).

Members asked the applicant relevant questions in relation to his convictions to which the applicant responded accordingly.

**Decision**

Whilst the number of convictions and offences that led to them fell within policy for a refusal of a licence, the Committee felt able to depart from policy on this occasion because of the explanation put forward by the applicant as to the circumstances of those offences which included mitigation and remorse.

RESOLVED that the application for a private hire driver's licence be granted with the condition that a DBS check be carried out annually for the next 5 years.

### **Reasons for the Decision**

- The applicant convinced the committee that he was honest as he came across very well and presented himself well.
- The applicant was young and intoxicated when he was convicted of Battery and was still with the same partner. He was remorseful for his actions and pleaded guilty to the charges against him. As a consequence the applicant no longer drank alcohol. He had been to counselling with his partner and had gone on to father two children with her.
- The Theft of Post in Transmission convictions were not as clear cut as they appeared on the DBS check. There were mitigating circumstances around his partner's health that led him to commit the offence. This conviction was contested at court.
- There were 8 years between the two convictions, which were different and did not show a pattern of offending.