

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

Apologies for Absence: None.

9. Confirmation of Minutes - 6 April 2017

The minutes of the meeting held on 6 April 2017 were confirmed.

10. Declarations of Interest

No declarations of interest were received.

11. 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.

12. To Interview an Existing Driver Who Has Received a Conviction [04/2017]

The Sub-Committee interviewed an existing driver who had pleaded guilty to the offence of threatening behaviour. The licensee was sentenced to an absolute discharge with no order for costs. The members of the Sub-Committee questioned the licensee and listened carefully to his explanation of the situation that occurred.

The decision was made as follows:

That the licence be continued.

Reasons for the decision:

The licence holder was able to persuade the Sub-Committee to depart from the Council's Statement of Policy on Relevant Convictions through his detailed account of the circumstances of the incident. The Sub Committee gave the following reasons for their decision.

1. The Sub-Committee believed the licensee's explanation that he had been subjected to a serious assault by his passengers which was beyond his control. His response had been provoked by the assault on him. The licensee had pleaded guilty to the offence at the earliest opportunity and had informed the Licensing Officer on his application.
2. The Sub-Committee took into account the letter from the solicitor which stated that the Judge had made it clear that the licensee had not been separately punished by the Court, which had taken into account the

extreme provocation of him by his assailants and given him the minimum sentence available in response to his guilty plea. The Judge had commented that he hoped that the licensing authority would take this into consideration when considering his case.

3. The Sub-Committee members were unanimous in their decision to take no action as they believed that the licence holder was a fit and proper person to continue to hold a licence.

13. To Interview an Applicant for a Private Hire Driver's Licence Who Has a Previous Offence [05/2017]

The Sub-Committee interviewed an applicant for a new Private Hire Driver's Licence who had a conviction that was outside of the Council's guidelines. The applicant disclosed to the Licensing Officer, at the time of the application, his conviction in 2012. The applicant explained that he had been convicted for making false representation to make gain for self or another and had been fined and ordered to pay costs and compensation.

The applicant explained that he had been working at a holiday park and had been working more hours than he had been paid for. He had obtained the company cash and carry card and bought goods for himself on the card which he realised was very stupid. He had ended up paying more in fines and compensation than he had bought in goods.

The decision was made as follows:

That the licence be granted.

Reasons for the decision:

1. The applicant had informed the Licensing Officer of the conviction on his initial application.
2. The Sub-Committee agreed that should the applicant have waited one month it would have been five years since the conviction. This meant that the minimum of a 5 year period, as stated in the policy, had elapsed and he would have been eligible for a licence without appearing before the Sub-Committee.
3. The Sub-Committee believed that the applicant had answered all their questions honestly and he genuinely regretted his actions in 2012. The applicant was working currently, moving caravans, and Direct Cars were willing to take him on as a driver should his application be successful.
4. The Sub-Committee had no reason to doubt that the applicant was a fit and proper person to hold a Private Hire Driver's Licence.

14. To Interview an Applicant for a Private Hire Driver's Licence who is unable to Provide a Certificate of Good Conduct [06/2017]

The Sub-Committee interviewed an applicant for a Private Hire Vehicle Driver's Licence who could not supply a certificate of good conduct from his previous country of residence.

The decision was made as follows:

That the licence be granted.

Reasons for the decision:

1. The Sub-Committee felt that the applicant presented himself well, was polite and well-mannered and answered all questions openly and honestly.
2. The Sub-Committee was sympathetic to the difficulties faced by the applicant in obtaining a certificate of good conduct from his country of origin, Iraq.
3. The applicant had not been convicted of any offences since arriving in the United Kingdom in 2000 and being granted indefinite leave to remain in 2014, therefore there was no reason to doubt that he was a fit and proper person to hold a licence.

**15. To Interview an Existing Driver who has been Convicted of Relevant Offences
[07/2017]**

The Sub-Committee interviewed a Hackney Carriage/Private Hire driver who, on 12 May 2017, had informed the Licensing Office that he had been convicted of 3 counts of assault that had happened around December. He stated that he had been found guilty and received a fine and 50 hours of community service.

The Licensing Team had contacted Lincoln Magistrates Court who revealed that the licensee had been found guilty of three offences of domestic violence, two in the presence of a child. The offences were of common assault and battery and were brought under section 39 of the Criminal Justice Act 1988. Documents from the Court revealed that the offences had taken place on three separate occasions separated by days or weeks on the 8th and 11th of November 2016 and on 19th of December 2016. The licensee had also been given a 14 week prison sentence suspended for 12 months, which he had failed to disclose to the Licensing Team.

Members of the Sub-Committee questioned the driver in great depth and agreed that his answers were contradictory and this gave them great concerns.

During the course of the interview, questioning of the licensee by the Sub-Committee revealed that the driver had been put on Police bail whilst awaiting a hearing for the section 39 offences with a condition not to stay in the family home until after the hearing had taken place. The driver revealed to the Sub-Committee during the interview that he had breached this bail condition and been sentenced to a week's imprisonment as a result, information which he had failed to disclose to the Licensing team.

The decision was made as follows:

That the licence be revoked.

Reasons for the decision:

1. The Sub-Committee was not persuaded that the licensee was being completely honest with them in his responses to their questions. He was vague and inconsistent with some of his answers and denied that the

assaults had taken place, save for one minor incident for which he admitted only pushing his wife. He was unclear about when the different incidents had taken place and whether he had been arrested for each incident. He expressed no remorse for the assaults. He blamed his wife for the incidents and suggested she had lied about them to the police. At the same time he admitted that she had fled the family home with their child to a friend's house during all three incidents, from whence she had called the Police.

2. The licensee provided information during the interview that he had breached his bail conditions whilst awaiting trial by moving back to his home address, which he said was done with his wife's consent. He admitted that the Police had become aware of this and that he had been taken before the Court and that he had been sentenced to one week in prison for breaching his bail conditions.
3. The Sub-Committee were concerned that the licensee had dishonestly failed to disclose the full details of his convictions regarding the suspended sentence and the breach of bail conditions, yet had partially disclosed some of his convictions, which indicated that he was aware of his duty to disclose all this information to the Licensing team.
4. The Sub-Committee after careful deliberation concluded that the licensee was not a fit and proper person to hold a Hackney Carriage/Private Hire driving licence.
5. The Sub-Committee agreed to uphold the current policy which stated that if a Hackney Carriage/Private Hire Driver was found guilty of an offence such as common assault, they would have their licence revoked immediately and not be considered for the grant of a licence until a minimum period of 4-5 years had elapsed.