

Present: Councillor Pat Vaughan (*in the Chair*),
Councillor Alan Briggs, Councillor Adrianna McNulty,
Councillor David Clarkson and Councillor Biff Bean

Apologies for Absence: Councillor Loraine Woolley

1. Confirmation of Minutes - 25 February 2021

RESOLVED that the minutes of the meeting held on 25 February 2021 be confirmed.

2. Declarations of Interest

No declarations of interest were received.

3. 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.

4. To Interview an Applicant for a Private Hire Driver's Licence who has previously had a Licence Revoked for Relevant Offences (01/2021)

The Licensing Officer:

- a) stated that the applicant for a Private Hire Drivers Licence had previously had a private hire drivers licence revoked by the Sub Committee in 2017 and that an appeal by the applicant had been rejected at the Magistrates Court
- b) added that the applicant had also had a premises licence revoked under the Licensing Act 2003 since the revocation of his private hire driver's licence
- c) explained that the reason for the hearing was to determine whether the applicant was a fit and proper person to hold a licence and for members to answer the question 'Would I be comfortable in allowing my son, daughter, spouse or partner, mother or father, grandchild or any persons for whom I care, to get into a private hire vehicle with this person'
- d) highlighted that on 13 May 2021 the applicant submitted his documents and paid the application fee to apply for a new Private Hire Drivers Licence
- e) reported that the applicant previously held a private hire drivers' licence from 2012 until 2017 when it was revoked by the Sub Committee after he received a suspended prison sentence for 3 counts of domestic violence, two of which were in the presence of a child

- f) added that the original decision was upheld by the Magistrates Court and the applicant was required to pay costs to the Council
- g) advised that the applicant had undergone a new DBS check which confirmed that he had no new convictions since the revocation of his Private Hire Drivers Licence and a DVLA check also revealed a clean licence
- h) highlighted that under the current policy on relevant convictions an offence of this nature would be classed as 'Common Assault' for which the policy stated 'A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature'

The Sub-Committee questioned the applicant about his convictions and received responses from the applicant. The Council's solicitor questioned the applicant to confirm details relating to the applicant's submission and to ensure that the applicant did not require the presence of a translator to proceed.

The Decision was made as follows:

That the application for the grant of a private hire driver's licence be refused.

Reason for the Decision

The Sub-Committee was not satisfied that the applicant was a fit and proper person to hold a licence. In reaching the decision the Sub-Committee considered that:

1. The applicant had failed to persuade the Sub-Committee that his circumstances justified a departure from the Council's Hackney Carriage & Private Hire Licensing Policy. The relevant policy stated that a licence would not normally be granted if an applicant had more than one conviction for a violent offence in 10 years.
2. The applicant's offences had been serious, comprising three assaults on his wife in 2016 which had resulted in three convictions in 2017 and a suspended prison sentence. While a number of years had passed since those convictions and there was no evidence of further offences having been committed since that time, the Sub-Committee did not consider that sufficient time had elapsed to justify the grant of a licence. The safety of the travelling public was paramount, and the financial circumstances of the applicant would not be given priority over public safety.
3. The applicant had provided evidence that a local firm was willing to offer him a position but had provided no other documentary evidence supporting a change in his character since his convictions. The evidence of the prospect of employment and the support of a local firm was positive but provided no detail as to how the risk posed as a result of his earlier behaviour would be mitigated.
4. The applicant relayed the positive impact of his probation officer in changing the applicant's behaviour. However, the applicant was not able to provide any further evidence in support of this assertion and provided no evidence of any further activity directly intended to prevent him committing violence offences again.

5. The applicant has asserted that none of the violent offences had taken place in front of his child, contrary to other information available to the Sub-Committee. While the offences were sufficiently serious to justify a refusal of the application regardless of the presence of a child, the Sub-Committee was not minded to trust the written evidence provided to it in the absence of any further evidence from the applicant. The presence of the child was considered to be a factor in compounding the seriousness of the original offences.
6. Since the revocation of his previous private hire driver's licence, the applicant's premises licence had also been revoked. The revocation of the premises licence, which was unrelated to the convictions for violent offences, gave the Sub-Committee further concern that the applicant did not have proper regard for the importance of meeting the conditions of a licence. The applicant's transferral of blame to his employees for the revocation of the premises licence did not inspire the Sub-Committee's confidence that the applicant had learned from earlier mistakes.
7. The applicant had told members of his voluntary activities supporting a local community group which included work with children. The Sub-Committee viewed these activities positively but had only the applicant's account of these activities to rely upon.
8. The Sub-Committee was of the opinion that the applicant should consider providing as much relevant documentary evidence as possible to the Sub-Committee if applying for a licence in future years, including testimonials from those who could speak to any reform of his character following the original offences. The applicant had attended a number of meetings of the Council's Licensing Sub-Committees and should be familiar with both the process and members' desire to understand an applicant's personal circumstances insofar as they related to whether he was a fit and proper person to hold a licence.