1. **APPOINTMENT OF CHAIRMAN**

**RESOLVED:**

That Councillor Gill Mercer be appointed Chairman for this hearing.

2. **DECLARATIONS OF INTEREST**

No interests were declared.

3. **EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED:**

That the public and press be excluded from the meeting during consideration of the following item of business because exempt information, as defined under paragraphs 1 and 7 of schedule 12A of the Local Government Act 1972, may be disclosed.

4. **APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE**

The Licensing Officer reported on an application, received on 5 November 2012, for a Hackney Carriage and Private Hire Driver’s Licence under the Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976. Reference was made to the Council’s Hackney Carriage and Private Hire Drivers Criminal Records Policy when considering this application.

The original Criminal Records Bureau (CRB) disclosure received by ENC had been challenged by the applicant as being incorrect. Members noted that following investigation by the CRB, a revised and corrected version had been supplied to ENC and had been made available to members prior to the commencement of the hearing. The applicant had agreed that the revised record supplied was accurate. The disclosure detailed several convictions, with the latest being received in 1978.

The Licensing Officer advised members that convictions were never considered to be spent for Hackney Carriage and Private Hire drivers, under Part VI of Schedule 1, Rehabilitation of Offenders Act (? 1974 (exceptions) (Amendment) Order 2002.
The applicant was present at the hearing where he spoke in support of his application and explained the circumstances of the offences to the Panel. He stated that he had been very young at the time of the offences and had been involved with a bad crowd. He felt, looking back, ashamed of the convictions he had received. He advised the panel that he had been offered a position with a local taxi firm and he was keen to accept that offer, subject to obtaining a licence. The applicant stated he had not been in any legal trouble since his final conviction and simply wished to gain employment.

The Panel asked for clarification regarding a conviction detailed on the application form, and were advised that this had been an error on the part of the CRB and the applicant had successfully requested that this be removed.

Further questions were asked by the panel regarding a speeding offence from 2009, and the final conviction received in 1978. The applicant was also asked to detail his employment history and the Panel noted his previous experience in the field of driving and that he had worked closely with disabled children and the elderly.

The applicant was provided with the opportunity to make a final statement to the panel and he responded by saying that he was simply looking for the opportunity to work as he was finding it increasingly difficult to obtain alternative employment.

After considering the officer’s report and representations made by the applicant, the Panel retired to consider the application and evidence presented at the hearing, and it was

RESOLVED:

That the application for a Hackney Carriage and Private Hire Driver’s Licence be granted for two years with standard conditions.

The Chairman then read out the following statement giving the reasons why the Panel had granted the application: -

The Panel has carefully considered your application for the issue of a Hackney Carriage and Private Hire Driver’s Licence. In reaching its decision, the Panel had regard to:

- Government Guidance
- ENC Hackney Carriage and Private Hire Drivers Criminal Records Policy
- ENC Hackney Carriages/Byelaws (Terms and Conditions)
- Rehabilitation of Offenders Act 1974

The Panel has reached the decision to grant the licence for a period of two years with standard conditions.

The Panel considered the past offences which were declared on the revised CRB Declaration date issued 28 November 2012 and the application form. The Panel felt that they were sufficiently dated not to be part of their considerations.

The Panel thanked the applicant for being so candid when responding to the Panel’s questions. The Panel also took into account the applicant’s previous work record.

The Panel would like to emphasise that the safety of the public is paramount and would take this opportunity to remind the applicant of his responsibilities in that respect.
The Decision Notice will be sent out in writing. If aggrieved with the Panel’s decision, the applicant and any party that has made representation has the right to appeal to the Magistrates’ Court within 21 days of the Decision Notification letter.

Chairman