1. **APPOINTMENT OF CHAIRMAN**

RESOLVED:

That Councillor Northall be appointed Chairman for this Hearing.

2. **MINUTES**

The minutes of the meetings of the Licensing (Taxi and Miscellaneous) Panel held on 16 July 2010 were approved and signed by the Chairman.

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 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.

The applicant attended the Hearing and the Criminal Records Bureau (CRB) disclosure revealed that he had received a number of convictions from March 1982 to March 1998 for various offences including: taking a conveyance without authority; theft from a vehicle; driving whilst disqualified; driving a motor vehicle with excess alcohol; driving without due care and attention; driving without insurance and dangerous driving. He had been fined and disqualified for driving for some of these offences and also had his Driving Licence endorsed a number of times.

The Panel noted that the applicant had failed to disclose any of these convictions as required under Question 8 on his application form, but also noted that the applicant had partially answered Question 6, mentioning a drink driving offence in June 1997.
The applicant spoke in support of his application and explained the circumstances of the offences to the Panel. The earlier offences in 1982 and 1983 had occurred when he was young and the last convictions in 1998 had occurred when he was going through a difficult period in his life. He stated that he had:

- not realised that he had to list all his previous convictions on the application form and apologised to the Panel for this error
- contacted the CRB before submitting his application and understood that he only had to disclose convictions which had occurring during the last five years
- not re-offended since his last conviction in March 1998 and his Driving Licence had been clean for the last 8 years with no claims made on his car insurance
- worked as a floor coverings fitter for twenty years and wished to change his job for health reasons
- voluntarily left his previous job and was not currently working, although he could be re-employed by them again and submitted a character reference from his former employer
- learnt from his past mistakes and asked the Panel to grant him a Licence and allow him the opportunity to become a full time taxi driver.

The Chairman informed the applicant that he should have disclosed all his previous convictions, no matter how old, as clearly stated under Question 8 of the application form.

The Panel asked the applicant a number of questions and after considering the Officer’s report and representations made by the applicant, including advice from the Solicitor, 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 refused for the reasons stated below.

The Chairman read out the following statement giving the reasons why the Panel had refused to grant the application: -

“The Panel:


2. considered the numerous convictions revealed by the CRB check and were particularly concerned about the convictions for dangerous driving, theft, dishonesty, driving without due care and attention, and driving with excess alcohol in his blood.

3. were also particularly concerned that the applicant had not answered Question 8 of his application form which clearly states “Please give details of all convictions and cautions, no matter how old they are. If necessary, use a separate piece of paper”. When questioned by the Panel, the applicant failed to convince it about his reasons for the omission. In particular, the Panel had regard to paragraph 4.6.5 of the above Policy, where it was entitled to take into account information provided to the Panel by officers (in this case, the failure to disclose the criminal record), coupled with the general thrust of the section of the above Policy dealing with dishonesty (section 4.5) (although the Panel appreciated that this section of the Policy referred specifically to offences relating to dishonesty).
4. listened carefully to the applicant’s explanation for the earlier offences, but the Panel were not convinced by his explanation for the serious offences committed some 15 years later, particular as one resulted in a Crown Court appearance and conviction.

5. noted that the Policy was quite clear that when considering convictions they were never spent for Hackney Carriage and Private Hire Driver’s Licences. The Panel also noted the reference from his last employer, but considered that its overall concerns were not met by this reference. A Hackney Carriage and Taxi Drivers’ position was one of trust and honesty and the Licensing Authority’s key objective was ensuring public safety and protection from criminal activity.

Therefore, in the light of the Council’s Policy, the general legislation and the fact that the applicant did not reveal these convictions, the Panel decided that the application should be refused.

The Decision Notice would be sent to the applicant and he had the right of appeal to the Magistrates Court within 21 days of receiving the Notice if he was aggrieved with the Panel’s decision.

Chairman