

REGULATORY PANEL

WEDNESDAY 8 JUNE 2016 AT 2.00PM

PRESENT: Councillors Bell, Bainbridge, Bowman S, Collier (as substitute for Councillor Layden), Franklin, Morton, Osgood, Mrs Parsons, Sidgwick, Mrs Warwick and Wilson.

OFFICERS: Principal Lawyer
Licensing Manager
Licensing Officer

RP.16/16 APPOINTMENT OF CHAIRMAN

It was moved and seconded that Councillor Bell be appointed as Chairman of the Regulatory Panel for the municipal year 2016/17.

RESOLVED – That Councillor Bell be appointed as Chairman of the Regulatory Panel for the municipal year 2016/17. Councillor Bell thereupon took the Chair.

RP.17/16 APPOINTMENT OF VICE CHAIRMAN

It was moved and seconded that Councillor Ms Franklin be appointed as Vice Chairman of the Regulatory Panel for the municipal year 2016/17.

RESOLVED – That Councillor Ms Franklin be appointed as Vice Chairman of the Regulatory Panel for the municipal year 2016/17

RP.18/16 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Layden, Tinnion and Betton.

RP.19/16 DECLARATION OF INTEREST

There were no declarations of interest submitted.

RP.20/16 PUBLIC AND PRESS

It was agreed that the items of business in Part A be dealt with in public and the items of business in Part B be dealt with when the public and press were excluded.

RP.21/16 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 30 March 2016 be noted.

RP.22/16 PUBLIC AND PRESS

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following

items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against each minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

RP.23/16 APPLICATION FOR A LICENCE TO DRIVE A HACKNEY CARRIAGE
(Public and Press excluded by virtue of Paragraph 1)

The Licensing Manager presented report GD.33/16 regarding an application for a Hackney Carriage Drivers Licence.

The Applicant and his brother were in attendance.

The Principal Lawyer outlined the procedure the Panel would follow. The Applicant confirmed that he had received and read the Licensing Officer's report. The Principal Lawyer advised the Applicant that he had a right to be represented but he indicated that he did not wish to be so represented.

The Licensing Officer outlined the application informing the Panel that the Applicant had completed and passed the local knowledge test, Disability Awareness test, Driver Licence check, medical test, DSA driving test and had submitted a completed application to become a Hackney Carriage Driver.

The Licensing Officer reported that the Applicant's Disclosure and Barring Service Certificate disclosed 2 separate offences in 2012 and 2015 and as a result the application had been referred to the Regulatory Panel.

The Applicant addressed the Panel. He thanked the Panel for the opportunity to address them and stated that he was guilty of the offenses shown on his Disclosure and Barring Service, he regretted his actions and recognised the mistakes he had made. His application for the Hackney Carriage Drivers License was part of his efforts to turn over a new leaf. He asked to be given another chance to help him provide for his children.

In response to questions from Members the Applicant confirmed:

- The number and age range of his children
- He owned and worked in a retail business
- He had a company to work for, if his application for a Hackney Carriage Drivers Licence was successful.
- His application payment had been processed in May 2016.

The Principal Lawyer addressed the Applicant and drew attention to the time period between his most recent conviction and his application for the Hackney Carriage License. The Applicant stated that this was less than the three to five year time lapse recommended in the *free from conviction* guidelines, before which an application would be entertained.

The Licensing Officer outlined the relevant Legislation and outlined the options open to the Panel.

The Applicant's brother summed up on his brother's behalf by stating that the applicant had run his own business for seven years, and he was an honest man whom customers could trust. The applicant was a good father, and he hoped the Panel would afford the

applicant another chance by granting the license. He thanked the Panel for the opportunity to speak.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter.

RESOLVED – The Panel has carefully considered and read the evidence in the report and listened carefully to the responses and heard from the Applicant.

The Panel noted that the Applicant had completed and passed the local knowledge test, Disability Awareness test, Driver Licence check, medical test, language test, and DSA driving test.

The Panel acknowledges that the paper application submitted by the Applicant contains details of previous convictions and that details of those convictions have been corroborated by reference to the usual DBS checks undertaken in respect of all such applications.

The Panel listened carefully to the Applicant's submissions and the reasons why the Applicant believes he is a fit and proper person to hold a licence. The Panel acknowledged comments in relation to the Applicant's family circumstances.

The Panel have taken account of Department of Transport Circular 2/92 and Home Office Circular 13/92 (Disclosure of Criminal Records; Applicants for Hackney Carriage and Private Hire Vehicle Drivers' Licences) guidance and, in particular, Appendix D thereto, which gives guidance in relation to offences of dishonesty and appropriate periods for being "free from conviction" which may be considered by the Panel when determining applications. In relation to offences of dishonesty, the guidance states that: "...a serious view should be taken of any conviction involving dishonesty [and] in general, a period of 3 to 5 years free from conviction should be required before entertaining an application."

Given the relatively short period of time which has elapsed between the conviction and the application being considered today, the Panel's unanimous decision was to refuse the granting of a Hackney Carriage Drivers Licence.

The Principal Lawyer advised that Applicant that he would receive written notification of this decision within 7 days from today and that he had the right to appeal against the decision of this Panel by making application to the Magistrates' Court within 21 days from today, details of the procedure will be included in the decision letter.

(The meeting ended at 2.38pm)