

the interview that he was suffering from mental health issues at the time and was not opening any of his mail.

The report also indicated that the applicant had no other convictions for any other offences, and appears to be an isolated incident.

- He has been driving a car for years having previously held a motorbike licence. He has experience of driving all over Europe.
- He now wants to move on from a stressful period in the past and go back to work. He feels suited to taxi work as he lives locally and enjoys driving.
- He has already been offered work by a taxi firm.

The applicant, (MO) attended the meeting and made representations to the Sub Committee in support of his application and was asked questions.

The applicant, Licensing Manager and other licensing officers left the meeting while the sub-committee considered its decision.

Resolved:

In reaching its decision the sub-committee took into account the following:

1. Both Written and Oral Evidence presented in connection with the hearing
2. The Local Government (Miscellaneous Provisions) Act 1976/Town Police Clauses Act 1847 (where applicable)
3. Statement of Policy and Guidelines relating to the relevance of convictions, formal/simple cautions, complaints and other matters which may impact on the granting of a licence – (revised 1/5/22)
4. The Statutory Taxi and private hire vehicle standards guidance
5. The Statutory fit and proper person test.

Members resolved to grant the Hackney Carriage Driver's Licence for the following reasons:

- The applicant is judged to be a fit and proper person to hold a Hackney Carriage Driver's Licence
- He openly and honestly declared the conviction on his application
- He is of previously good character and has no previous convictions
- The licence is being issued in accordance with the Council's Taxi Policy and guidance.

The applicant has a right to appeal this decision at the Magistrates Court within 21 days.

14 Application for a Hackney Carriage Driver's Licence

The Chair referred to the circulated established procedure for hearings and the process that would be followed.

The Licensing Manager, Mr Chris Ward outlined the report of the Director of Planning and Development and explained the application was referred to members for a decision as the DVLA summary revealed the following endorsement on the applicant's driving licence:

MS90 - Failing to give information as the identity of a driver etc – 6 points

Offence date – 6 July 2019

The report indicated that the applicant had failed to report the motoring conviction on his application form and declared that he had not been convicted of any offences.

The report gave details of an interview between the applicant and licensing officers. With regard to his conviction, the applicant stated that at the time of the offence an SP30 was sent to him via his employer for one of the company vans. The applicant (DW) believed he was not the driver of the vehicle and the case went to court. The judge did not impose any penalty points on his driving licence but he did receive a fine.

The applicant further stated that he did not declare the conviction on his application as he was unaware of the need to declare it due to the fact he did not receive any points for the offence. He believed he had only received a fine and not a conviction.

Further to the report, sub-committee had received written representations by the way of character references in support of the application.

The applicant, (DW) attended the meeting and made representations to the Sub Committee in support of his application and was asked questions.

The applicant, Licensing Manager and other licensing officers left the meeting while the sub-committee considered its decision.

In reaching its decision the sub-committee took into account the following:

1. Both Written and Oral Evidence presented in connection with the hearing
2. The Local Government (Miscellaneous Provisions) Act 1976/Town Police Clauses Act 1847 (where applicable)
3. Statement of Policy and Guidelines relating to the relevance of convictions, formal/simple cautions, complaints and other matters which may impact on the granting of a licence – (revised 1/5/22)
4. The Statutory Taxi and Private Hire Vehicle Standards guidance
5. The Statutory fit and proper person test.

Members resolved:-

1. To grant the Hackney Carriage Driver's Licence for the following reasons:

- That the facts presented and the representations made with regard to the conviction are consistent with the processes of the court system.
- That the applicant is a fit and proper person to hold a hackney carriage driver's licence.
- That no weight be attached to the character references from family members.

and

2. that it be stressed to the licence holder the importance of due diligence and the need to comply with all the requirements and obligations associated with holding the licence.

The applicant has a right to appeal this decision at the Magistrates Court within 21 days.

Chair

Date