



Minutes of the Drivers' Panel Hearing held on 25 September 2024 when there were present: -

Cllr D Jones
Cllr J Huntman
Cllr R Savage

Chairman

APOLOGIES FOR ABSENCE

There were none.

OFFICERS PRESENT

A Azono - Assistant Solicitor
S Wilde - Licensing Officer
L Piatto-Hill - Governance Officer (Minutes)
H Boyd - Democratic Services Officer (Observing)

27 APPOINTMENT OF CHAIRMAN

Councillor R Savage was appointed Chairman.

28 DECLARATIONS OF INTEREST

There were none.

29 PROCEDURE FOR THE SUB-COMMITTEE

Introductions were made and all parties noted the procedure to be followed during the hearing, as set out in Item 3 of the agenda. The driver had a representative with them at the hearing, who joined remotely via Teams.

30 REPORT OF THE ASSISTANT DIRECTOR, ENVIRONMENTAL HEALTH, LICENSING AND COMMUNITY

The Licensing Officer presented their report on an application to determine if the appellant was a fit and proper person to hold a Private Hire Driver's Licence.

The Panel considered all the exempt evidence circulated in advance of the hearing and evidence presented at the meeting.

DRIVERS' PANEL – 25 September 2024

The appellant applied for a private hire driver's licence in March 2024. During the application process they signed their application form for the grant of a private hire driver's licence indicating that they had no previous convictions.

A Disclosure and Barring Service check revealed that the applicant was convicted on 24 March 2015 for two offences of assault occasioning actual bodily harm that were committed on 10 May 2014. In line with the Council's Conviction Policy, which requires at least 10 years since the completion of the sentence imposed before a person can be licensed, the application was refused by Officers.

The applicant claimed that it had been over ten years since the incident occurred and the incident only occurred because they were attacked whilst playing in a football match when spectators ran onto the field during which they were forced to defend themselves.

In response to Members' questions, the Licensing Officer responded that the appellant answered on their application 'yes' to having ever been refused a licence or had a licence revoked or suspended; the details were set out in the exempt report appendices.

The appellant's representative advised that the appellant thought that they did not need to declare spent convictions as they were no longer valid. The application form was not clear and the appellant had no intention to deceive.

The convictions occurred during the appellant's time when they were a semi-professional football player aged 16/17 years old. During a match they were attacked and they defended themselves 2/3 times; the intention was not to assault but rather defend. The appellant accepted they used excessive force in defence and pleaded guilty at the time. However, they now coach junior football.

The appellant apologised for the misunderstanding and error regarding the spent convictions.

The Licensing Officer agreed with the appellant's representative that the application form was not clear in terms of declaration of convictions.

In response to Members' questions it was clarified that when defending yourself you don't have a right to do so with extreme force. The appellant at the time felt that they had used more force and therefore pleaded guilty. The driver stated that they'd been advised that they did not need to declare the spent convictions; however, accepts that they had made a mistake and got it wrong on the form.

It was confirmed that the Council's Conviction Policy adopted in 2010 states offences involving violence against the person require at least 10 years to elapse since completion of any sentence imposed.

The Drivers' Panel considered carefully the report of the Assistant Director, Environmental Health, Licensing and Community, the evidence submitted with the report and representations made by the Licensing Officer and the Appellant's representative.

In reaching its decision, the Drivers' Panel gave due regard to the Council's Hackney Carriage and Private Hire Licensing Policy, the Department of Transport

DRIVERS' PANEL – 25 September 2024

Statutory Guidance Taxi & Private Hire Vehicles Standards (Nov. 22), the Local Government (Miscellaneous Provisions) Act 1976 and the guidelines relating to the application of the 'fit and proper person'.

Having listened to the appellant's representative on the circumstances surrounding the offence and the rehabilitation of the appellant into society since the sentence was imposed, the Drivers' Panel was minded to treat the offence as isolated.

Resolved

To grant a Private Hire Driver's Licence to the appellant.

The Chairman concluded the hearing.

The Panel hearing commenced at 10.30 am and ended at 11.45 am.

Chairman:

Date: