

MINUTES of a meeting of the HACKNEY CARRIAGE AND PRIVATE HIRE GROUP held in the Council Chamber, Council Offices, Coalville on THURSDAY, 4TH DECEMBER 2003

Present: Councillor R A Evans (Chairman) (In the Chair)

Councillors J G Coxon, D Howe, P A Hyde and J B Webster.

Officers: Mr T Beirne, Mrs J Cotton, Miss M Lister and J E Peters.

Apologies: There were no apologies for absence.

There were no declarations of personal or prejudicial interest.

489. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That in pursuance of Section 100A (4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 4 of Schedule 12A to the Act.

490. APPLICATION FOR PRIVATE HIRE DRIVER'S LICENCE**

Before the consideration of the application Mrs Cotton reminded members that they were acting in a quasi judicial capacity. The effect of this meant that the rules of natural justice had to be observed and that any applicant must be treated fairly and be seen to be treated fairly. She requested members to restrict themselves to questions and to reserve their opinions until the process of deliberation. She also reminded members that the group would be required to give reasons for any decision to refuse an application.

The Senior Licensing Officer explained the reasons for referring the licence application to the group for determination. She circulated papers in support of her case. The papers included a copy of the application form for a private hire driver's licence, a copy of part of the applicant's Criminal Records Bureau (CRB) disclosure application form, a copy of the applicant's CRB enhanced disclosure document, guidelines to the Council's policy relating to the relevance of convictions to applications for hackney carriage or private hire vehicle driver's licences and section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

The Senior Licensing Officer referred to the papers circulated to the group and explained that members were being asked to decide whether the applicant was considered fit and proper to be granted a private hire driver's licence having regard to the convictions recorded against him; the pattern of those convictions; and his failure to declare that he had any unspent convictions on his CRB disclosure application form. The Senior Licensing Officer referred members to the current guidelines and, in particular, the general policy and section F.

Chairman's initials

The Senior Licensing Officer informed members of the general provisions in respect of the Rehabilitation of Offenders Act 1974 and an Exemption Amendment Order to the Act which came into force on 28 February 2002. The Order contained provisions which made taxi drivers an excepted occupation under Part 1 of Schedule 1 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. This meant that so long as the applicant was informed of this at the time that they were asked about their previous convictions, those previous convictions were not to be treated as rehabilitated under the 1974 Act.

Members were asked to consider whether the applicant was fit and proper to be granted a private hire driver's licence. In making that determination the Senior Licensing Officer asked members to note that the onus was on the applicant to show that he or she was a fit and proper person. The Council's overriding consideration must be the protection of the public and all other matters were secondary to public safety.

There were no questions to the Senior Licensing Officer.

The applicant gave details of his case, including details in respect of his convictions. In his submission, the applicant stated that the CRB enhanced disclosure document was slightly misleading because it repeated several of the offences and convictions. The applicant stated that he took full responsibility for his mistakes and he regretted the behaviour of his youth. He described his current circumstances and employment history. He recognised the important public safety responsibility of private hire drivers and asked members to depart from their policy relating to convictions and give him a "second chance".

The Senior Licensing Officer had no questions for the applicant so the Chairman invited questions from members of the group. In response to questions, the applicant gave further details in respect of specific convictions, his current and past employment and details of the private hire vehicle company that had offered to employ him.

In his closing address to the group, the applicant gave details of his work as a security consultant and then asked members to consider his application favourably.

At 7.05pm the applicant, Mr Beirne and the Senior Licensing Officer left the room whilst the group deliberated. The parties were invited to return to the room at 7.33pm.

RESOLVED:

That the applicant be granted a private hire driver's licence with effect from Friday, 5 December 2002 on the grounds that members were satisfied that the applicant was a fit and proper person to hold a driver's licence under section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

Chairman's initials

In reaching their decision the Hackney Carriage and Private Hire Group reminded the applicant that the licence was subject to continual review and if at any time officers received complaints then those would be thoroughly investigated. The Chairman of the group drew particular attention to the private hire driver licence conditions and told the applicant that members were placing him in a position of trust and members asked him not to abuse that trust.

The meeting terminated at 7.38pm.

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Chairman's initials