

**Minutes of the Meeting of the LICENSING HEARING PANEL held at 10am  
on 25 April 2016**

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**PRESENT -**

Councillor Rob Geleit (Chairman); Councillors Clive Smitheram and Peter O'Donovan

In Attendance: The Appellant

Officers present: Louise Mathie (Solicitor), Angela Slaughter (Licensing Officer), Nicholas Tapping (Licensing Officer) and Fiona Cotter (Democratic Services Manager)

**5 DECLARATIONS OF INTEREST**

No declarations of interest were made.

**6 EXCLUSION OF PRESS AND PUBLIC**

The Panel resolved to exclude the press and public from the meeting. This was on the grounds that the business involved the likely disclosure of exempt "information relating to any individual" and "information which is likely to reveal the identity of an individual" as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended). Pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

**7 PRIVATE HIRE DRIVERS LICENCE**

The appellant had previously held a Private Hire Driver licence issued by this Authority that had expired in November 2014 and had undertaken a criminal records check by the Disclosure Barring Service (DBS) under a previous name.

On 26 August 2015, the appellant sought to renew his Private Hire Driver Licence, stating in the application that he had a criminal conviction. The DBS report detailing his convictions had been received by the appellant on 23 February 2016, the most recent recorded incident being in 2015 for an offence for theft and one of failing to surrender to custody at the appointed time. It was also highlighted that a previous conviction in 2011 had resulted in a custodial sentence.

Whilst the Authority could not establish what was on the appellant's original DBS certificate, which would have been produced prior to a licence being granted in November 2011, a false statement had been made on the application form

submitted at that time. The appellant had stated that he had no convictions or outstanding charges against him.

The conviction from 2011 might not have been disclosed by the previous DBS check as it was possible that there was a delay in the Courts notifying the Police of the conviction at that time, which might have resulted in the Police National Computer not being updated, but this could not be established.

All of the recorded convictions were considered spent under the Rehabilitation of Offenders Act 1974 and the appellant's most recent conviction became spent at the beginning of April 2016. However, taxi drivers and private hire drivers were exempt for the provisions of the Act and the Panel was entitled to take such convictions into account when considering whether or not the applicant was a fit and proper person.

The Council's Hackney Carriage and Private Hire Policy stated that where an applicant had committed an act of dishonesty then a period of 3 years had to elapse from the date of conviction before an application would be considered.

The Panel considered the evidence, and heard the submission put forward by the appellant, including written material submitted by the appellant.

The Panel **RESOLVED** that the appeal be disallowed on the grounds that the most recent offence occurred less than three years ago.

*The meeting began at 10.06 am and ended at 10.25 am. It was adjourned between 10.16 and 10.21 in order for the Panel to consider its recommendation*

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COUNCILLOR ROB GELEIT (CHAIRMAN)