

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 10am on 18
DECEMBER 2012**

Present: Councillor D Perry - Chairman.
Councillors D Morson, J Salmon and A Walters.

Also present: the driver.

Officers present: K Carson (the Council's Solicitor), M Hardy (Licensing Officer) and R Dobson (Democratic Services Officer).

LIC24 EXCLUSION OF THE PUBLIC

RESOLVED that, under section 100I of the Local Government Act 1972, the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of part 1 of Schedule 12A of the Act.

LIC25 DETERMINATION OF A PRIVATE HIRE DRIVER'S LICENCE

The Chairman welcomed the driver to the meeting, and introduced members of the Committee and officers.

The Licensing Officer asked the driver whether he had received the report. The driver confirmed that he had.

The Licensing Officer explained that the driver had submitted to the Council an application for a combined private hire and hackney carriage licence. The Enhanced Criminal Records Bureau disclosure had subsequently revealed that the driver had spent convictions. Details of these convictions were given in the report. The driver had not declared the existence of the spent convictions on his licence application form.

The Licensing Officer reminded the Committee that making a false statement to obtain a licence was an offence under section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976. He said that whilst the Assistant Chief Executive-Legal had not considered it was in the interest of the public to require a prosecution, he had declined to grant the licence under delegated powers and had referred the application to the Committee for determination.

The Licensing Officer referred in detail to the dates and circumstances of the offences for which the driver had been sentenced. He said that the driver met the Council's licensing standards as the two offences were now spent, the last matter becoming spent some years ago on 19 July 2000. The driver's application was supported by an operator for which he would be working should the licence be granted. The Licensing Officer said that during his interview with the driver, the driver had said the application form had been

completed on his behalf by a member of staff of the operator, and that he had then simply signed and dated the form.

The Chairman invited questions. There were none.

The Chairman invited the driver to address the Committee. The Driver said the first of the two offences had been committed during his youth, when he was one of a group of youths 'mucking about'. The second offence related to his discovery of the infidelity of his wife, and this incident was some time ago, in 1995. He said he had not known he had to include these convictions on his application for a driver's licence, as no-one had told him. He was dyslexic, and could not write properly.

The Chairman asked the driver what his understanding was of the enhanced, as opposed to the routine, CRB check.

The driver said he had no idea.

Councillor Salmon asked whether in view of his dyslexia the driver would find someone to go through the Code of Practice with him. The driver said he could read 100%, and that his dyslexia just meant he could not spell.

Councillor Loughlin asked the driver about the whether the person assisting him to complete his form had told him about the requirement to state any spent convictions or whether she had invited him to check the form before signing.

The driver said no-one had mentioned the need to declare spent convictions and that he had not checked the form before signing.

The Chairman said he was concerned to hear that the driver had signed a legal document without understanding it.

In reply to a question from the Licensing Officer, the driver confirmed the name of the person who had assisted him in completing the application form. The Licensing Officer said he had spoken to this individual who had informed him she had explained to the driver the need to complete the section on spent convictions.

The driver said he did not remember this to be the case.

At 10.20am the Committee withdrew to consider the matter. At 10.25am the Committee returned to give its decision.

DECISION

This Committee is disappointed that despite repeated requests for drivers to report minor infringements of law to the Council or spent convictions, cautions, etc, yet again we have before us another incident where this approach has failed.

Taxi Watch carries repeated requests for infringements to be reported as well as meetings with the Trade where further requests are made.

Our policy and procedure is very clear and a copy is given of the procedure at every opportunity and every encouragement given to disclose infringements.

The document that is signed by the driver is technically a written contract between the driver and the Council and to fail to adhere to this contract or to mislead or lie is a serious breach that could result in a refusal, prosecution or revocation.

I can assure all drivers that they will be given a fair hearing and I am in discussion with the Committee and the legal officer to consider a period of time, i.e. an amnesty, whereby anything that is reported, will not be the subject of punishment, unless it is a serious infringement. If agreed after that period all drivers failing to notify this council of infringements within the specified time period or on application or renewal will be treated more seriously, and may lead to a prosecution.

As far as you are concerned, you have two matters albeit spent, that should have been disclosed on application and were not, for whatever reason.

Question 12 on the form is clear. You put "no" and signed the document having read the endorsement following Question 15, a clear breach. Your signature was dated 27 September 2012.

However we do find you are a fit and proper person to and we therefore grant the licence.

The meeting ended at 10.30am.