

LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at ZOOM on TUESDAY, 14 JULY 2020 at 2.00 pm

Present: Councillor P Lavelle (Chair)
Councillors C Day and P Lees

Officers in attendance: S Bartram (Licensing Support Officer), C Gibson (Democratic Services Officer), S Mahoney (Senior Licensing and Compliance Officer), E Smith (Interim Legal Services Manager) and R Way (Licensing and Compliance Manager)

Also present: The applicant in relation to item LIC3

LIC1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies for absence or declarations of interest.

LIC2 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under section 1001 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 paragraphs 1 and 2 part1 of Schedule 12A of the Act.

LIC3 DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE

The Licensing Support Officer gave a summary of the report. The applicant had applied to the Council for a Private Hire/Hackney Carriage Driver's licence to work for 24 x 7 Ltd. On his application form the applicant had declared four spent convictions. His enhanced Disclosure and Barring Service certificate showed three convictions, all of which were spent under the Rehabilitation of Offenders Act. The applicant now came before members for them to determine whether he was a 'fit and proper' person to hold a licence as he had not met the Council's licensing standards.

The applicant said that the three spent convictions on the Disclosure and Barring Service certificate had been many years ago when he was a young man.

In response to Members' questions he explained that he had been living in North London at the time and had been badly influenced by older men and he was now ashamed of what he had done at that time. He said that he no longer associated with the wrong type of people. He had since been on courses, moved to Essex and had been working as a tyre/exhaust fitter. He said that if the licence was approved he would work full-time for 24 x 7 Ltd.

The Chair explained that the Panel would retire to consider the case and would notify the applicant of their decision within appropriate timescales.

The applicant left the meeting at 2.15 and the Committee retired to make its decision.

DECISION NOTICE –

The application before the Panel today is for the grant of a new joint hackney carriage/PHV driver's licence. We are hearing this case remotely. If his application is successful he has an offer of employment from 24 x 7 Ltd on the school contract side of their business.

We have had the opportunity of reading the officer's report in this case, a copy of which has been served on the applicant, and we have also seen, as has he, the background documents annexed thereto including the application form and the DBS documentation supporting the application. We have also taken into account the Council's policy and have heard from the Case Officer and from the applicant.

Question 12 of the form asks

'Have you ever been convicted of ANY offence (including motoring offences) including spent and unspent convictions in any Court or received a police caution?'

The applicant declared the following spent convictions and they are here set out in tabular form:

Offence	Court	Date	Detail of any court sanction imposed including any fine	No of Penalty Points (Motoring offences)
Possessing Article	Thame(s) Magistrates	03/07/06	Fine - £250	
Common Ass(a)ult	Highbury Magistrates	17/10/06	Unpaid work (80 hours) Fine £100	
Theft	Blackfriars Crown	11/03/2007	Think First Curfew 3 months Supervision 12 months	
CD10	Hertford	2011	Fine £300	3 Points

The application process requires applicants to produce an enhanced Disclosure and Barring Service certificate and the applicant's certificate dated 07 May 2020 showed three convictions as follows:

Conviction 1 – Date of Conviction - 03 July 2006 – Offence - Possessing article with blade or point in public place on 26 April 2006 Criminal Justice

Act 1988 S.139(1) – Court – Thames Magistrates - Disposal – Fine
£200.00 Forfeiture/confiscation Costs £50.00

Conviction 2 – Date of Conviction – 17 October 2006 – Offence –
Common Assault on 05 July 2006 Criminal Justice Act 1988 S.39 – Court:
Highbury Corner Magistrates – Disposal – Community Order, unpaid work
requirement 80 hrs within 12 months – Costs - £50.00 - Compensation
£50.00

Conviction 3 – Date of Conviction – 22 May 2008 – Offence – Theft of
Vehicle on 11 March 2007 Theft Act 1968 S.1 – Court: Blackfriars Crown -
Disposal – Suspended Imprisonment 9 mths wholly suspended 2 years –
T20070667-1 Supervision requirement 12 mths - Programme requirement
for 22 sessions – Think First - Curfew requirement 3 months.

We understand that there was also a discrepancy regarding the spelling of his name, but this is in the process of being resolved administratively and there is no doubt in our minds that the person whose application we must consider today is the person to whom this certificate relates and the applicant has confirmed this.

The convictions are all spent under the Rehabilitation of Offenders Act.

However, the applicant does not meet the requirements of the Council's Suitability Policy on two points.

Firstly point 2.5 states:

'Generally when a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.'

Secondly, Point 2.10 states:

'As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.'

The primary function of this Committee is the protection of the public and if we are in any doubt as to whether an applicant is a safe and suitable person to hold a licence then our duty is clear – we should refuse the application. However, we have heard from the applicant, and he tells us that at the time of the offences he was living in London and unfortunately mixing with the wrong people. He was 16/17 years of age at the time and hence was upon the cusp between the juvenile and adult justice systems: he was one of the youngest of the group and was a follower rather than a leader. Since then, he has moved away, been on various courses and has held down a job and started a family. He is no longer even in touch with his former friends.

He expressed deep remorse for what had happened and told us that he wanted to give something back to the community. He has not been in trouble since and we believe him to be a reformed character.

Accordingly, we are prepared to grant this application and the applicant will receive his paperwork from the Licensing Department in due course.

The meeting ended at 2.40pm.