

**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH  
COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON  
WALDEN at 10am on 31 JULY 2017**

Present: Councillor R Chambers (Chairman)  
Councillors J Davey, A Gerard and E Hicks

Officers in  
attendance: A Bochel (Democratic Services Officer), M Chamberlain  
(Enforcement Officer), C Nicholson (Solicitor), A Turner (Licensing  
Team Leader).

Also Present: N Dermott (Essex Police), V Powell (Essex Police), the applicant  
in relation to Item 2, Mr Sutherland (Solicitor for the applicant in  
relation to Item 2), the applicant in relation to Item 4.

LIC9 **APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN  
INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR**

The application in relation to Item 2 was withdrawn by Mr Sutherland.

LIC10 **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 paragraphs 1  
and 2 part 1 of Schedule 12A of the Act.

LIC11 **DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S  
LICENCE**

The procedure for determining private hire drivers' licences was read to the  
applicant. The Committee considered the report of the Enforcement Officer.

The applicant had made an application to this Authority for a private  
hire/hackney carriage driver's licence. On the application form it asked the  
question 'have you ever been disqualified from driving or had your licence  
revoked' and the applicant answered this 'no.' Another question on the  
application form asked '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 answered this question 'no.'

As part of the licensing application process for applicants, the applicant was  
required to undergo an enhanced Disclosure and Barring Service check. This  
revealed that he was convicted in 1981 for the offence of causing death by  
reckless driving. He was imprisoned for two months which was wholly  
suspended for two years. He was fined £250 or 28 days imprisonment. He was

ordered to pay costs of £100, a legal aid contribution of £100 and disqualified from driving for three years.

Making a false statement to obtain a licence is an offence under section 57(3) Local Government (Miscellaneous Provisions) Act 1976. The application had come before members for them to consider whether to grant or refuse his licence because of the nature of the spent conviction which was not disclosed upon application

The Chairman asked the applicant whether he would like to say anything about his case.

The applicant apologised for the trouble he had caused. The accident had been a long time ago, and he had since had a good job for 36 years, and had had to deal with the public as part of this. However, he could not do such a physical job anymore. He had been working part time for another company as a delivery driver. He had a clean licence and had no endorsements in the following 36 years.

In response to a question from the Enforcement Officer, the applicant said he would take his medical after the result of the hearing.

In response to a question by Cllr Gerard, the applicant gave details of his most recent permanent employment which had been with the same company for 36 years and details of his most recent temporary delivery job

At 10:25, the committee withdrew to make its determination.

At 10:40, the committee returned.

## **DECISION**

The applicant has applied to the council for a joint private hire/hackney carriage driver's licence.

On his application form he answered no to the questions regarding having been disqualified from driving and conviction of any offence. However, the enhanced DBS check revealed a conviction for death by dangerous driving and 3 year driving licence disqualification from 1981.

The applicant meets the Council's licensing standards, but as result of his historic offence that was not revealed on application, the Principal Environmental Health Officer wanted the licence application to be considered by members. It is for members to decide whether the applicant is a fit and proper person to have a licence. The applicant advises that his failure to include details of the conviction on the application form was partly as a result of a misapprehension of the question and whether spent convictions needed to be revealed, and partly out of embarrassment.

The applicant has explained the circumstances of the original offence, and members note there was no drink involved, and that he took the blame, the custodial sentence was suspended and the offence occurred over 35 years ago. It is also noted that no offences have been committed since then, and that the applicant has held responsible jobs including a HGV driver and with the electricity board for 36 years without incident.

In the circumstances, members are satisfied that the applicant is a fit and proper person and he will be granted a driver's licence, subject to satisfactory outcome from his group 2 medical.

LIC 12

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

The driver in relation to Item 5 had surrendered his license, and therefore there was no report to consider.

The meeting ended at 10:50am.