



Council Offices, Kiln Road,  
Thundersley, Benfleet,  
Essex SS7 1TF  
Tel. No: 01268 882200



**Andrew Grant**  
**Interim Chief Executive**

## **AGENDA**

<b>Committee:</b>	<b>LICENSING SUB-COMMITTEE</b>
<b>Date and Time:</b>	<b>Tuesday, 1<sup>st</sup> February 2022 at 11.30am</b>
<b>Venue:</b>	<b>Council Offices (via MS Teams)</b>
<b>Membership:</b>	<b>Councillors Egan, Isaacs and Greig</b>
<b>Officers attending:</b>	<b>Mel Harris - Head of Licensing &amp; Safer Communities Jason Bishop – Corporate Legal Adviser</b>
<b>Committee Enquiries:</b>	<b>Loretta Hill, Ext. No. 2427</b>

### **PART I**

**(Business to be taken in public)**

- 1. Appointment of Chairman**
- 2. Procedure for the Sub-Committee**
- 3. Appeal against refusal to grant a Private Hire Driver's Licence – Applicant D**

The report of the Head of Licensing and Safer Communities is attached.

- 4. Decision**

**PROCEDURE FOR HEARING**

**Held Virtually - Via MS Teams**

**1. Introductions**

- a. Chairman introduces Panel Members to the applicant.
- b. Chairman identifies officers and their roles.
- c. Applicant identifies themselves, any representative and any accompanying persons. They also identify who intends to present the case.
- d. Objector(s) to be identified.

**2. Case Summary by the Head of Licensing and Safer Communities**

As shown at Agenda Item 3.

**3. Objector(s) presents objection(s)**

**4. The Applicant's Submission**

The applicant or their representative will submit their case

**5. Questions from Panel**

Opportunity for any questions from Panel to either side.

**6. Adjournment**

Usually, the Panel would withdraw at this point to consider its decision. This now takes place in concluding the meeting.

**7. Conclusion**

The Chairman will close the proceedings. The Panel will now consider its decision. During this time the Clerk will record the Panel's decision. The Committee may request the presence of the Legal Advisor to give them legal advice.

**8. Decision**

The Licensing Team will notify of the Committees decision after the meeting has closed.

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LICENSING SUB COMMITTEE

01 February 2022

**Subject:** Appeal against refusal to grant a Private Hire Driver's Licence – Applicant D

**Report of:** Head of Licensing and Safer Communities

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**1. Purpose of Report**

To consider the appeal made by applicant D against the refusal by the Council to grant a Private Hire Driver's Licence.

**2. Background**

Applicant D applied for a Private Hire Driver's Licence in November 2021. The Council refused to progress the application on receipt of his Disclosure and Barring Service (DBS) certificate because it showed the following:

**17 convictions with a total of 31 offences. The most recent of these were:**

**Conviction 17**

Date of Conviction: 28 March 2017

Offence 1: Using vehicle while uninsured

Disposal: Driving licence endorsed

Offence 2: Driving whilst disqualified

Disposal: Imprisonment 8 weeks, disqualified from driving 42 months

Offence 3: Driving whilst disqualified

Disposal: Imprisonment 8 weeks consecutive

Offence 4: Exceeding 30mph on restricted road

Disposal: Driving licence endorsed

Offence 5: Using vehicle while uninsured

Disposal: Driving licence endorsed

### 3. CPBC Taxi Policy – Assessment of Previous Convictions

Guidance on assessment of previous convictions was contained within the Department for Transport's (DfT) Statutory Taxi and Private Hire Vehicle Standards released in July 2020. These standards were adopted by the Council in November 2020 following a period of consultation and contain the following regarding motoring convictions:

#### **Motoring Convictions**

It is accepted that offences can be committed unintentionally, a single minor traffic offence would not prohibit granting a licence or revocation of an existing licence providing the authority considers that the licensee remains a fit and proper person.

#### **Applicants with multiple motoring convictions**

May indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally

The Assessment of Previous Convictions is attached at Appendix 3

### 4. Fit and Proper

The definition of what is a fit and proper person is not defined in law however the generally accepted test is:

- *Would you allow your son, daughter, mother, spouse or other person you care about to get into a vehicle with this person alone?*

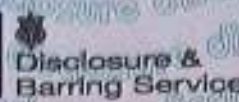
This definition was supported in the judgement by HHJ Silber in the case of Leeds City Council v Hussain which surrounds the suspension of a driver:

... 'the purpose of the power of suspension is to protect the users of licensed vehicles and those who are driven by them and members of the public. Its purpose is to prevent licences being given or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty and that they are people who would not take advantage of their employment to abuse or assault people.'

As Applicant D has been convicted of the above offences he is not regarded as a fit and proper person to hold a Private Hire Driver's Licence and the Council made the decision to refuse to progress the application.

Applicant D submitted an appeal against this decision to the Council on 10 January 2022. A copy is attached at Appendix 4





STRICTLY PRIVATE AND CONFIDENTIAL



## Enhanced Certificate

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Certificate Number: [REDACTED]

DBS Fee Charged

Date of Issue: [REDACTED]

## Applicant Personal Details

## Employment Details

Surname: [REDACTED]

Position Applied For:  
PRIVATE HIRE TAXI DRIVER OTHER WORK  
FORCE

Forenames: [REDACTED]

Name of Employer:  
SELF EMPLOYED TAXI DRIVER CPBC

Other Names: NONE DECLARED

Date of Birth: [REDACTED]

## Countersignatory Details

Place of Birth: BILLERICAY

Registered Person/Body:  
CASTLE POINT BOROUGH COUNCIL

Gender: MALE

Countersignatory:  
MELANIE HARRIS

THIS CERTIFICATE IS NOT EVIDENCE OF IDENTITY

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Police Records of Convictions, Cautions, Reprimands and Final Warnings

CONVICTION DETAILS

Conviction: 1  
Date of Conviction: 17 APRIL 1978  
Court: BILLERICAY JUV

Offence:

1  
THEFT  
ON  
THEFT ACT 1968 S.1

Disposal:  
DETENTION CENTRE 3 MTHS  
COSTS 10.00

2  
TAKING CONVEYANCE WITHOUT AUTHORITY  
ON  
THEFT ACT 1968 S.12(1)  
Disposal:  
DETENTION CENTRE 3 MTHS CONCURRENT

Conviction: 2  
Date of Conviction: 08 SEPTEMBER 1978  
Court: CHELMSFORD CROWN

Offence:

1  
TAKING CONVEYANCE WITHOUT AUTHORITY  
ON  
THEFT ACT 1968 S.12(1)

Disposal:  
BORSTAL TRAINING  
DISQUALIFICATION FROM DRIVING 18 MTHS AND LICENCE ENDORSED

2  
TAKING CONVEYANCE WITHOUT AUTHORITY  
ON  
THEFT ACT 1968 S.12(1)  
Disposal:  
BORSTAL TRAINING  
DISQUALIFICATION FROM DRIVING 18 MTHS

Conviction: 3  
Date of Conviction: 09 JUNE 1982  
Court: SOUTH-EAST ESSEX MAGISTRATES

Offence:

1  
BURGLARY AND THEFT - NON-DWELLING  
ON  
THEFT ACT 1968 S.9(1)(B)

Disposal:  
IMPRISONMENT 3 MTHS

Conviction: 4  
Date of Conviction: 19 AUGUST 1982  
Court: BILLERICAY MAG

Offence:

1  
DRIVING WHILST DISQUALIFIED



ON  
ROAD TRAFFIC ACT 1972 S.99(B)  
Disposal:  
IMPRISONMENT 28 DAYS  
DISQUALIFICATION FROM DRIVING 6 MTHS AND LICENCE ENDORSED

Conviction: 5  
Date of Conviction: 10 MARCH 1983  
Court: BILLERICAY MAG

Offence:  
1  
DRIVING WHILST DISQUALIFIED  
ON  
ROAD TRAFFIC ACT 1972 S.99(B)  
Disposal:  
IMPRISONMENT 4 MTHS  
DRIVING LICENCE ENDORSED

Conviction: 6  
Date of Conviction: 03 DECEMBER 1987  
Court: BILLERICAY MAG

Offence:  
1  
TAKING CONVEYANCE WITHOUT AUTHORITY  
ON  
THEFT ACT 1968 S.12(1)  
Disposal:  
IMPRISONMENT 6 MTHS WHOLLY SUSPENDED 2 YRS  
DRIVING LICENCE ENDORSED

2  
DRIVING WHILST DISQUALIFIED  
ON  
ROAD TRAFFIC ACT 1972 S.99(B)  
Disposal:  
IMPRISONMENT 6 MTHS CONCURRENT, WHOLLY SUSPENDED 2 YRS  
DRIVING LICENCE ENDORSED

3  
DRIVING WHILST DISQUALIFIED  
ON  
ROAD TRAFFIC ACT 1972 S.99(B)  
Disposal:  
IMPRISONMENT 6 MTHS CONSECUTIVE, WHOLLY SUSPENDED 2 YRS  
DRIVING LICENCE ENDORSED

Conviction: 7  
Date of Conviction: 23 SEPTEMBER 1999  
Court: MID SOUTH ESSEX MAGISTRATES

Offence:  
1  
DRIVING WHILST DISQUALIFIED  
ON  
ROAD TRAFFIC ACT 1988 S.103(1)(B)  
Disposal:  
IMPRISONMENT 4 MTHS  
DRIVING LICENCE ENDORSED  
DISQUALIFICATION FROM DRIVING 6 MTHS

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**2**  
OBTAINING PECUNIARY ADVANTAGE BY DECEPTION  
ON  
THEFT ACT 1968 S.1(1)  
Disposal:  
IMPRISONMENT 4 MTHS CONCURRENT

Conviction: 8  
Date of Conviction: 15 OCTOBER 1999  
Court: LOUGHBOROUGH MAGISTRATES

Offence:  
**1**  
DRIVING WHILST DISQUALIFIED  
ON  
ROAD TRAFFIC ACT 1988 S.103(1)(B)  
Disposal:  
IMPRISONMENT 1 MTH CONCURRENT  
DRIVING LICENCE ENDORSED

Conviction: 9  
Date of Conviction: 04 MAY 2000  
Court: MID-SOUTH ESSEX MAGISTRATES

Offence:  
**1**  
DRIVING WHILST DISQUALIFIED  
ON  
ROAD TRAFFIC ACT 1988 S.103(1)(B)  
Disposal:  
IMPRISONMENT 3 MTHS CONSECUTIVE  
DISQUALIFICATION FROM DRIVING 2 YRS  
DRIVING LICENCE ENDORSED

**2**  
DRIVING WHILST DISQUALIFIED  
ON  
ROAD TRAFFIC ACT 1988 S.103(1)(B)  
Disposal:  
IMPRISONMENT 2 MTHS  
DRIVING LICENCE ENDORSED

Conviction: 10  
Date of Conviction: 21 MARCH 2002  
Court: MID-SOUTH ESSEX MAGISTRATES

Offence:  
**1**  
DRIVING WHILST DISQUALIFIED  
ON  
ROAD TRAFFIC ACT 1988 S.103(1)(B)  
Disposal:  
IMPRISONMENT 5 MTHS  
DISQUALIFICATION FROM DRIVING 10 YRS  
DRIVING LICENCE ENDORSED

**2**  
DRIVING A MOTOR VEHICLE WITH EXCESS ALCOHOL  
ON  
ROAD TRAFFIC ACT 1988 S.5(1)(A)

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**Disposal:**  
IMPRISONMENT 5 MTHS CONCURRENT  
DISQUALIFICATION FROM DRIVING 10 YRS CONCURRENT  
DRIVING LICENCE ENDORSED

**Conviction: 11**  
**Date of Conviction:** 08 JULY 2004  
**Court:** MID-SOUTH ESSEX MAGISTRATES

**Offence:**  
**1**  
DRIVING A MOTOR VEHICLE WITH EXCESS ALCOHOL  
ON  
ROAD TRAFFIC ACT 1988 S.5(1)(A)  
**Disposal:**  
IMPRISONMENT 5 MTHS  
DISQUALIFICATION FROM DRIVING 3 YRS WITH EFFECT FROM INTERIM IMPOSED ON 18/07/2004  
DRIVING LICENCE ENDORSED

**2**  
DRIVING WHILST DISQUALIFIED  
ON  
ROAD TRAFFIC ACT 1988 S.103(1)(B)  
**Disposal:**  
IMPRISONMENT 5 MTHS CONCURRENT  
DRIVING LICENCE ENDORSED

**Conviction: 12**  
**Date of Conviction:** 29 SEPTEMBER 2005  
**Court:** MID-SOUTH ESSEX MAGISTRATES

**Offence:**  
**1**  
DRIVING WHILST DISQUALIFIED  
ON  
ROAD TRAFFIC ACT 1988 S.103(1)(B)  
**Disposal:**  
IMPRISONMENT 22 WKS  
DRIVING LICENCE ENDORSED

**Conviction: 13**  
**Date of Conviction:** 07 FEBRUARY 2006  
**Court:** ENFIELD MAGISTRATES

**Offence:**  
**1**  
DRIVING WHILST DISQUALIFIED  
ON  
ROAD TRAFFIC ACT 1988 S.103(1)(B)  
**Disposal:**  
IMPRISONMENT 25 WKS - EQ06002508P  
DRIVING LICENCE ENDORSED

**Conviction: 14**  
**Date of Conviction:** 14 SEPTEMBER 2009  
**Court:** MID-SOUTH ESSEX MAGISTRATES

**Offence:**  
**1**  
DRIVING WHILST DISQUALIFIED  
ON  
ROAD TRAFFIC ACT 1988 S.103(1)(B)

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Disposal:  
IMPRISONMENT 4 MTHS  
DRIVING LICENCE ENDORSED

2  
DRIVING A MOTOR VEHICLE WITH EXCESS ALCOHOL  
ON

ROAD TRAFFIC ACT 1988 S.5(1)(A)

Disposal:  
IMPRISONMENT 4 MTHS CONCURRENT  
DRIVING LICENCE ENDORSED  
DISQUALIFIED FROM DRIVING - OBLIGATORY 10 YRS

Conviction: 15  
Date of Conviction: 28 MARCH 2010  
Court: BARKING MAGISTRATES

Offence:  
1  
OBTAINING LICENCE WHILE DISQUALIFIED  
ON

ROAD TRAFFIC ACT 1988 S.103(1)(A)

Disposal:  
IMPRISONMENT 24 WKS  
DISQUALIFIED FROM DRIVING - DISCRETIONARY 2 YRS  
DRIVING LICENCE ENDORSED

Conviction: 16  
Date of Conviction: 04 JULY 2014  
Court: OXFORDSHIRE MAGISTRATES

Offence:  
1  
USING VEHICLE WHILE UNINSURED  
ON

ROAD TRAFFIC ACT 1988 S.143(2)

Disposal:  
NO SEPARATE PENALTY  
DRIVING LICENCE ENDORSED

2  
DRIVING WHILE DISQUALIFIED  
ON

ROAD TRAFFIC ACT 1988 S.103(1)(B)

Disposal:  
SUPERVISION REQUIREMENT  
SUSPENDED IMPRISONMENT 18 WKS WHOLLY SUSPENDED 24 MTHS

COSTS 85.00

DISQUALIFIED FROM DRIVING - OBLIGATORY 18 MTHS

UNPAID WORK REQUIREMENT

ACTIVITY REQUIREMENT

VICTIM SURCHARGE 80.00

Conviction: 17  
Date of Conviction: 28 MARCH 2017  
Court: SOUTH ESSEX MAGISTRATES

Offence:  
1  
USING VEHICLE WHILE UNINSURED  
ON

ROAD TRAFFIC ACT 1988 S.143(2)

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Disposal:  
NO SEPARATE PENALTY  
DRIVING LICENCE ENDORSED  
2  
DRIVING WHILST DISQUALIFIED  
ON  
ROAD TRAFFIC ACT 1988 S.103(1)(B)

Disposal:  
IMPRISONMENT 8 WKS  
DISQUALIFIED FROM DRIVING - DISCRETIONARY 42 MTHS  
VICTIM SURCHARGE 115.00

3  
DRIVING WHILST DISQUALIFIED  
ON  
ROAD TRAFFIC ACT 1988 S.103(1)(B)

Disposal:  
IMPRISONMENT 8 WKS CONSECUTIVE

4  
EXCEEDING 30MPH ON RESTRICTED ROAD (OFFENCE DETECTED BY UNMANNED AUTOMATIC EQUIPMENT)  
ON  
ROAD TRAFFIC REGULATION ACT 1984 S.81(1)+S.89(1)

Disposal:  
NO SEPARATE PENALTY  
DRIVING LICENCE ENDORSED

5  
USING VEHICLE WHILE UNINSURED  
ON  
ROAD TRAFFIC ACT 1988 S.143(2)

Disposal:  
NO SEPARATE PENALTY  
DRIVING LICENCE ENDORSED

Information from the list held under Section 142 of the Education Act 2002  
NONE RECORDED

DBS Children's Barred List Information  
NONE RECORDED

DBS Adult's Barred List Information  
NONE RECORDED

Other Relevant Information disclosed at the Chief Police Officer(s) discretion  
NONE RECORDED

**Enhanced Certificate**

This document is an Enhanced Criminal Record Certificate with the meaning of sections 113B and 116 of the Police Act 1997

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Disclosure and Barring Service, PO Box 165, Liverpool, L69 3JD Helpline 03000 200 190





### Application for the grant of a Private Hire Driver's Licence

Date received 12-11-2021		PHD number PHD
Name		
Address		
Age	phone	email
Present occupation and employer MACHINE DRIVER		
Do you currently hold or have you previously held a licence with another authority? NO		
Have you ever been refused a licence or had a licence revoked or suspended? NO		
How long have you held a full licence to drive a motor vehicle? 1985 36yrs		
Have you spent a period of 3 continuous months or more, since the age of 18 years, living or working outside the United Kingdom. Yes <input type="checkbox"/> - Please provide dates    No <input checked="" type="checkbox"/>		
If you answered YES please provide evidence of a criminal record check or Certificate of Good Character from the country/countries covering the relevant period		

Have you ever been convicted in court or received any fixed penalty notices?  
Yes ☒ No ☐ \*Delete as appropriate

Give details of all convictions, fixed penalty notices or any court or proceedings pending against you.

Offence	Court	Date	Fixed penalty

If any person knowingly or recklessly makes a false statement or omits any material particularly when giving information under this section, they shall be guilty of an offence.

Signed	Date
	12-11-21

### Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is fit and proper. The following reflects this.

Each case will be considered on its own merits and applicants / licensees are entitled to a fair and impartial consideration of their application.

Where a period is given below it will be taken to be a **minimum** in considering whether a licence should be granted or renewed in most cases. This puts passenger safety first while enabling past offenders to sufficiently evidence that they have rehabilitated.

Offence	Elapsed period before licence should be issued
<b>Crimes resulting in death</b>	Never licensed
<b>Exploitation</b>  Convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children.  Slavery, Child Sexual Abuse, Exploitation, Grooming, Psychological, Emotional or Financial Abuse. This is not an exhaustive list	Never licensed
<b>Sexual offences</b>  Conviction for any offence involving or connected with illegal sexual activity  Any applicant currently on the Sex Offenders Register or any barred list	Never licensed  Never licensed
<b>Offences involving violence against the person</b>  Conviction for an offence of violence against the person, or connected with any offence of violence	At least 10 years since completion of sentence imposed
<b>Possession of weapon</b>  Conviction of possession of a weapon or any other weapon related offence	At least 7 years since completion of sentence imposed



<p><b>Dishonesty</b></p> <p>Conviction for any offence where dishonesty is an element of the offence</p>	<p>At least 7 years since completion of sentence imposed</p>
<p><b>Drugs</b></p> <p>Conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply</p> <p>Conviction for possession of drugs, or related to the possession of drugs</p>	<p>At least 10 years since completion of sentence imposed</p> <p>At least 5 years since completion of sentence imposed An applicant may also have to undergo drugs testing for a period at their own expense to demonstrate they are not using controlled drugs</p>
<p><b>Discrimination</b></p> <p>Conviction involving or connected with discrimination in any form</p>	<p>At least 7 years since completion of sentence imposed</p>
<p><b>Motoring Convictions</b></p> <p>It is accepted that offences can be committed unintentionally, a single minor traffic offence would not prohibit granting a licence or revocation of an existing licence providing the authority considers that the licensee remains a fit and proper person</p> <p>Applicants with multiple motoring convictions</p>	<p>May indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally</p>
<p><b>Drink driving / driving under the influence of drugs</b></p> <p>Conviction for drink driving</p> <p>Conviction for driving under the influence of drugs</p>	<p>At least 7 years since completion of sentence imposed</p> <p>At least 7 years since completion of sentence imposed. An applicant may also have to undergo drugs testing for a period at their own expense to demonstrate they are</p>

	not using controlled drugs
<b>Using a hand held device whilst driving</b>  Conviction for using a hand held mobile phone or device whilst driving	At least 5 years since completion of sentence imposed



**Council Licensing Sub Committee**

To whom it may Concern,

**Melanie Harris**

10/01/2022

### Refusal of Taxi License

I would like to appeal against my refusal of taxi license for reasons being

I feel I have been wrongly treated for my refusal for reasons that have not been explained to me properly.

My past criminal convictions are for driving offences going back many years and the latest being 2017. I feel I have been punished enough over the years and have suffered severely for this as well as my family. I'm 60 years old and have a wife who is disabled for which I am her carer. I understand that my convictions are many and you say to yourself he never learnt his lesson. Driving whilst I was banned did not enter my mind at all even though I was breaking the law as I needed to get to work and would get there by any means.

Even thou I was driving illegal I've had many driving jobs IE: NHS del person. Courier for Amazon. Mobile career. And many years ago taxi driving when it was an O license only needed.

I am not a violent person, I am not a thief. I have worked in many schools and had lots of jobs regarding the public. I have never been a risk nor would I ever be a risk to the public.

Since 2017 I have not broken the law as I have my license back clean and no endorsements. Which means I will never break the law regarding driving.

I have C.O.P.D stage 3 which means I cannot do any physical jobs due to my breathing for the past 6 yrs. I have been driving a 360 machine digger. And I have always wanted to become a taxi driving to serve the public. As for the signing of not having any convictions that was done by mistake as in the interview with Lucy I told her I have motoring convictions before I even signed anything and I just signed all paperwork without looking properly. If I had read it I would have noticed the bit about the convictions and would not of signed it until I put convictions in so I'm sorry for that there was no intention of hiding this as I had already told Lucy I had them. I have passed all

I have passed all tests given to me and paid all fees.

Please will you reconsider my license?

Yours Faithfully