

**Medway Council**  
**LICENSING AND SAFETY COMMITTEE**

**2 AUGUST 2002**

**2.30pm to 3.50pm**

**RECORD OF THE MEETING**

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**PRESENT:**

**Committee members:** Councillors Mrs Chambers (chairman), Davis, Harriott, Mrs Haydock and Madhu Ruparel.

**Substitutes:** Councillor Janice Bamber for Councillor Richard Andrews  
Councillor Booth for Councillor Luckhurst.

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**4560 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Richard Andrews and Luckhurst.

**4561 RECORD OF THE MEETING**

The record of the meeting held on 19 July 2002 were signed by the chairman as correct.

**4562 EXCLUSION OF THE PRESS AND PUBLIC**

The Committee agreed to ask the press and public to leave the meeting as the following item contained exempt information relating to an individual in respect of his business affairs.

**4563 APPEAL AGAINST REFUSAL TO GRANT A PRIVATE HIRE DRIVER'S LICENCE - MR C**

**Discussion:**

The Committee was requested to determine an appeal against the decision of the licensing co-ordinator to refuse to grant a private hire driver's licence to Mr C.

Having regard for the gravity of the offence the Committee discussed the appeal and the ground for this decision are set out below.

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Mr C thanked the committee for its time.

### **Decision:**

That the appeal against refusal to grant a private hire driver's licence by Mr C is dismissed. The Committee considers that under the terms of the legislation Mr C is not a fit and proper person to hold a private hire driver's licence in view of his previous criminal conviction on the following grounds:-.

- (i) On 7 July 1998 Mr C was convicted of driving, or attempting to drive, with an alcohol level above the limit for which he was disqualified from driving for 18 months (reduced by 4½ months subject to satisfactory attendance at drink rehabilitation course) and fined £80;
- (ii) The Rehabilitation of Offenders Act 1974 stated that a conviction with a fine is not "spent" until five years has elapsed from the date of conviction. Mr C's conviction would not therefore be spent until 7 July 2003. This period has not expired.
- (iii) The Council had regard to the Home Office guidelines which indicated that a minimum of three years should elapse (after the restoration of the driving licence following a ban) before an applicant is considered for a Hackney carriage or private hire driver's licence. This period has not expired.
- (iv) Mr C failed to put forward any special extenuating circumstances which could enable the Committee to take a different decision from that made by the licensing co-ordinator.

**Chairman**

**Date**