



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Licensing Committee

Wednesday, 9 November 2016
6.00 pm
Pittville Room - Municipal Offices

Membership	
Councillors:	Wendy Flynn (Chair), David Willingham (Vice-Chair), Mike Collins, Tim Harman, Adam Lillywhite, Paul McCloskey, Dennis Parsons, Diggory Seacome, Max Wilkinson and Pat Thornton

The Council has a substitution process and any substitutions will be announced at the meeting

Agenda

1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	PUBLIC QUESTIONS These must be received no later than 12 noon on the fourth working day before the date of the meeting	
4.	MINUTES OF LAST MEETING To approve the minutes of the last meeting held on 12 October 2016.	(Pages 3 - 6)
5.	REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE Mr Ephraim Chimuka – PHD555	(Pages 7 - 10)
6.	REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE Mr Duncan Clive Holder – PHD303	(Pages 11 - 14)
7.	REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE Mr Aziz Ur Rehman – PHD021	(Pages 15 - 18)
8.	ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION	
9.	DATE OF NEXT MEETING Wednesday 7 December 2016 at 6pm	

Contact Officer: Annette Wight, Democracy Assistant, 01242 264130
Email: democratic.services@cheltenham.gov.uk

Licensing Committee

**Wednesday, 12th October, 2016
6.00 pm**

Attendees	
Councillors:	Wendy Flynn (Chair), David Willingham (Vice-Chair), Mike Collins, Adam Lillywhite, Paul McCloskey, Dennis Parsons, Diggory Seacome, Max Wilkinson and Pat Thornton
Also in attendance:	Vikki Fennell, Louis Krog and Phil Cooper

Minutes

1. APOLOGIES

Apologies were received from Councillor Harman.

2. DECLARATIONS OF INTEREST

None

3. PUBLIC QUESTIONS

None

4. MINUTES OF LAST MEETING

The minutes of the last meeting held on 29 July 2016 were approved and signed as a true record, subject to the amendment of the resolution in item 7 of the word 'not' a fit and proper person to 'no longer', to align it with the resolution in the exempt minutes.

5. MINUTES OF SUB COMMITTEE MEETINGS

The minutes of the sub-committee meetings held on 19 August 2016, relating to Chelsea Bar and Brasserie, Indian Voojan and Masala Bites, were approved and signed as a true record.

Upon a request from a member, the Licensing Officer up-dated members on the current situation relating to the 3 premises. He stated that both Chelsea Bar and Brasserie and Masala Bites had lodged appeals to the Magistrates Court. Chelsea Brasserie on the basis that the sanction against the manager had been withdrawn. Both these cases were now with One Legal and would be going to court in March. In the meantime, they could continue to trade.

Indian Voojan was currently in the middle of its suspension period, however as the Soho Bar situated next door was owned by the same person, clients at Voojan were being served drinks via the Soho Bar, which was quite legal. Cheltenham Borough Council Licensing Officers have been monitoring the situation through evening visits to the premises to ensure they are operating legitimately. In spite of this, the manager has confirmed that business is being affected.

6. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE

The Licensing Officer, Phil Cooper, introduced the report regarding the review of Mr Mohammed Shahin Ahmed's Hackney Carriage driver's licence HCD104. In September 2016, Mr Ahmed was found guilty of an offence under the Social Security Administration Act, namely failing to notify a relevant change in circumstances knowing that the change would affect his entitlements to benefits. Mr Ahmed received a Community Order which consisted of an unpaid work requirement and was ordered to pay costs and a victim surcharge, details of which were outlined in the background papers.

The Officer continued that Mr Ahmed had failed to notify the licensing authority of his conviction within 7 days in accordance with the Council's requirements. Instead the Licensing team were made aware by the benefit fraud team. Members were advised to consider whether, in light of the conviction, they were satisfied that Mr Ahmed remained a fit and proper person to hold his Hackney Carriage driver's licence and, if not, to consider whether revocation should be with immediate effect in the interest of public safety.

In reply to a question from a member, the Officer informed members that Mr Ahmed had held his licence since 2013 and that he had no other convictions against his name.

The Chair invited Mr Ahmed to speak in support of his review. Mr Ahmed told members that he was extremely sorry, that he had lived here for the last 21 years and had never done anything like this before. He said he had a young family and taxi driving was his livelihood and that if he lost his licence his family would suffer and he would get behind with his repayments. He promised he wouldn't do anything like this again in the future and requested the committee to give him another chance.

In response to questions from members, Mr Ahmed confirmed that he had been aware of the conditions of his licence and explained that he had worked in a restaurant for 18 years, until he slipped a disc, and because of that he started part time taxi driving. He confirmed that he knew he should have declared his taxi driving work, but said he was greedy as he had been out of work for 6 months and was struggling financially. Mr Ahmed admitted that he knew it was wrong. He confirmed that he had claimed housing benefit since 2012 and been unemployed from July 2013 to February 2014. Mr Ahmed said he was unsure how he was found out, but thought it could have been a letter to a previous employer from the Job Centre.

In reply to questions about the offence, Mr Ahmed stated that the amount of the fraud was £5,500 and that he had been paying £125 in monthly payments to the council and so far had paid a fifth back. With regard to the 100 hours of unpaid work, he confirmed he was doing one day a week of voluntary work and had already done 34 hours and hoped to finish the rest within the next 10 weeks.

The Chair reminded members that they had to decide if Mr Ahmed was a fit and proper person to retain his licence, or whether to revoke it, revoke it with immediate effect in the interest of public safety, or to consider giving Mr Ahmed a written warning, stating that if any other matter regarding his licence was to come to light within the next year, that Mr Ahmed would have to come before

the committee again. One member reminded members to consider the wording 'in the interest of public safety', in that Mr Ahmed had not committed a driving offence. It was also confirmed that if the licence was revoked, that Mr Ahmed would be able to apply for benefits again.

In summing up, Mr Ahmed reiterated that he had no previous convictions, that he paid his rent and council tax and that this job was his livelihood. He stressed that he was very sorry about what had happened and asked the committee to give him one more chance.

As the committee wished to debate the matter in private, Mr Ahmed was asked to leave the room at 18.30. Mr Ahmed was asked to return at 18.50.

The chair asked members to vote on the additional wording to be added to 1.4.1 of the report, namely that a written warning be placed on Mr Ahmed's file for a period of one year and that he be required to come back to committee in July 2017 for a review.

Upon a vote on the additional wording it was 7 for, 2 against.

The chair moved to vote on 1.4.1, plus the additional wording.

Upon the vote it was 7 for, 1 against, 1 abstention.

Upon a vote for the revocation of his licence, it was 2 for, 7 against.

RESOLVED THAT, Mr Mohammed Shahin Ahmed's Hackney Carriage driver's licence be continued, because the committee was satisfied that he was a fit and proper person to hold such a licence but that a written warning be placed on Mr Ahmed's file for a period of one year and that he be required to come back to committee in July 2017 for a review.

7. REVIEW OF THE LICENSING CODE OF CONDUCT

The Legal Officer, Vikki Fennell, introduced the report regarding the Licensing Code of Conduct, which was adopted by Full Council on 6 December 2004 and which had been reviewed and amended by a Working Group of Members. The Working Group had suggested changes to the Code to reflect changes in legislation, Code of Conduct and best practice. The draft amended Licensing Code of Conduct was attached at Appendix 1 and the committee were asked for comments before it was put before Standards Committee on 20 October 2016 with a view to them approving it and recommending it to full Council.

The Officer advised that the revised Code of Conduct had been brought up to date and followed the format of the current one, with slight re-organising and a contents page added for ease of reference. The main substantive change reflected changes in the Standards Code of Conduct in relation to members' interests from personal and prejudicial interests to disclosable pecuniary interests and other interests. There was also an addition relating to predetermination and the role of ward members, should a licensing matter fall within their ward, and the wording 'relevant director' had replaced actual job titles.

Members were asked to consider if the Licensing Code of Conduct was up to date and fit for purpose.

In reply to a member concern that this was another policy that predecessors had drawn up, the Officer advised that very little had changed and thus she didn't feel it was necessary to revisit with the new committee.

One member requested that tracked changes be shown in future and a few minor alterations were suggested by other members and noted by the Legal officer, otherwise there were no other comments.

8. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION

That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining items of business as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 1, 2 and 7, part 1 Schedule 12A (as amended) Local Government Act 1972, namely:

Information relating to any individual,

Information which is likely to reveal the identity of an individual,

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

9. EXEMPT MINUTES

The exempt minutes of the meeting held on 29 July 2016 were approved and signed as a true record.

10. ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION

The Chair informed members that Cheltenham had been awarded the Purple Flag for its night time economy and wished to record her thanks to all involved, especially to Phil Cooper and Colin Pilsworth for their hard work. She continued that the awards ceremony was to be held in Cheltenham in recognition of the excellent standard achieved.

11. DATE OF NEXT MEETING

Wednesday 9 November 2016 at 6pm.

Wendy Flynn
Chairman

Cheltenham Borough Council

Licensing Committee – 9 November 2016

Review of a Private Hire Driver's Licence

Mr Ephraim Chimuka - PHD555

Report of the Licensing Team Leader

1. Executive Summary and Recommendation

- 1.1 Mr Ephraim Chimuka holds a private hire driver's licence PHD555 which is due for renewal on 13 December 2017.
- 1.2 Mr Chimuka has been convicted of an offence. The details of these are contained in the enclosed background papers.
- 1.3 **The Committee is recommended to resolve that:**
 - 1.3.1 **Mr Chimuka's private hire driver's licence be continued with no further action because the Committee is satisfied that he is a fit and proper person to hold such a licence; or**
 - 1.3.2 **Mr Chimuka's private hire driver's licence be revoked as the Committee considers him to no longer be a fit and proper person to hold such a licence.**
 - 1.3.3 **Subject to resolution 1.3.2, that Mr Chimuka's private hire driver's licence be revoked with immediate effect in the interest of public safety.**

1.4 Implications

- 1.4.1 Legal The Borough Council has the ability to suspend or revoke a private hire driver's licence with immediate effect if necessary in the interests of safety. There is a right of appeal against a suspension or revocation of a licence which, in the first instance, is to the Magistrates' Court.

Contact officer: Vikki Fennell
E-mail: Vikki.Fennell@tewkesbury.gov.uk
Tel no: 01684 272015

2. Background

- 2.1 The Borough Council must be satisfied that the holder of a Private Hire Driver's licence is a fit and proper person to hold that licence (Section 59 Local Government (Miscellaneous Provisions) Act 1976).

3. Policy Considerations

Appendix J - Relevance of Convictions, Cautions and Fixed Penalty Notices in Relation to the Licensing of Drivers and Operators

- 3.1 Each case will be decided on its own merits. Although an applicant may have convictions that would fall under the guidelines in this policy, the Council will always consider the full facts of the case and any mitigating or other circumstances before reaching a decision.

The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment.

Hackney carriage and private hire drivers are listed occupations under the Rehabilitation of Offenders Act 1974. This means that an applicant must disclose ALL convictions when applying for the grant of a licence. The Council may take into account anything they consider relevant to the determination of the application.

When the relevant required information has been returned, the application will be considered in the light of the information provided. The information will be used to ascertain whether the information given on the original application form was correctly and truthfully provided. It is therefore necessary to ensure that details of ALL convictions and cautions are provided at the initial stage.

A serious view will be taken of any application which seeks to conceal any caution or conviction in order to obtain a Licence. This is a criminal offence and, as such, may lead, not only to consideration of the applicant as not being a "fit and proper person", but criminal proceedings.

In the event that there are no relevant convictions, cautions or fixed penalties held, the applicant will be considered to be a "fit and proper person" and the matter will be determined by the issue of the licence [subject to the successful completion of all other assessments].

Applications where convictions, cautions or fixed penalties are held will be considered by a Licensing Officer who, having regard to this policy may refer the application to a Licensing Committee for determination. This will result in either the determination of the applicant as a "fit and proper person", indicated by the issue of a licence, or the application being refused. In these circumstances, the applicant has the right of appeal to the Magistrates' Court, such appeal to be lodged within 21 days of the decision being notified.

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction.

For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

Fit and Proper Person

There is no absolute definition as to what constitutes a "fit and proper person". However, considering the range of passengers that a driver may carry, for example, elderly people, unaccompanied children, people with disabilities, those who have had too much to drink, lone women and foreign visitors, the Council will want to have confidence that such people would be able to rely on the driver.

Some important areas that will be considered by the Council are:

- a) Honesty and trustworthiness – licensed drivers and operators often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. For example, any passenger would expect to be charged the correct fare for a journey and then given the correct change, they would also expect a driver to hand in any article left by a passenger in a vehicle, and also to maintain confidentiality between driver and fare.

- b) Courtesy - taxi drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. A driver will not be expected to have any convictions or cautions for offences of a violent or threatening nature.
- c) Consistently good and safe driving - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence.
- d) Good knowledge of the area that they are working in.
- e) Good physical and mental health.
- f) Ability to read, speak and understand English, together with a working knowledge of arithmetic in giving the correct change, etc.

4. Licensing Comments

- 4.1 There is a statutory duty on the council to ensure that people licensed as private hire drivers are, and remain, fit and proper people.
- 4.2 Members are to note that Mr Chimuka previously appeared before the committee on 10 April 2015. Members are to refer to the officer report and meeting minutes for agenda item 7 for the abovementioned date.
- 4.3 Whilst the circumstances are different, it is nonetheless relevant in light of the fact that the assessment relates to the overall fitness of Mr Chimuka. Members can take a view on the relevance of the circumstances and what weight to add.
- 4.4 Mr Chimuka has been sent a copy of this report and invited to attend this meeting to speak in support of himself and to answer members' questions or to be represented. In considering the application on its own merits Members should have regard to the adopted Probity Guide.

Background Papers

Service Records

Report Author

Contact officer: Mr Louis Krog
E-mail: louis.krog@cheltenham.gov.uk
Tel no: 01242775200

Cheltenham Borough Council

Licensing Committee – 9 November 2016

Review of a Private Hire Driver's Licence

Mr Duncan Clive Holder - PHD303

Report of the Senior Licensing Officer

1. Executive Summary and Recommendation

- 1.1 Mr Duncan Clive Holder holds private hire driver's licence PHD303 which is due for renewal on 6 March 2018.
- 1.2 Mr Holder has a recent conviction. The details of these are contained in the enclosed background papers.
- 1.3 **The Committee is recommended to resolve that:**
- 1.3.1 **Mr Holder's private hire driver's licence be continued with no further action because the Committee is satisfied that he is a fit and proper person to hold such a licence; or**
- 1.3.2 **Mr Holder's private hire driver's licence revoked as the Committee considers he is no longer a fit and proper person to hold such a licence.**
- 1.3.3 **Subject to resolution 1.3.2, that Mr Holder's private hire driver's licence be revoked with immediate effect in the interest of public safety.**

1.4 Implications

- 1.4.1 Legal The Borough Council has the ability to suspend or revoke a private hire driver's licence with immediate effect if necessary in the interests of safety. There is a right of appeal against a suspension or revocation of a licence which, in the first instance, is to the Magistrates' Court.

Contact officer: Vikki Fennell
E-mail: Vikki.Fennell@teWKesbury.gov.uk
Tel no: 01684 272015

2. Background

- 2.1 The Borough Council must be satisfied that the holder of a Private Hire Drivers licence is a fit and proper person to hold that licence (Section 59 Local Government (Miscellaneous Provisions) Act 1976).

3. Policy Considerations

Appendix J - Relevance of Convictions, Cautions and Fixed Penalty Notices in Relation to the Licensing of Drivers and Operators

- 3.1 Each case will be decided on its own merits. Although an applicant may have convictions that would fall under the guidelines in this policy, the Council will always consider the full facts of the case and any mitigating or other circumstances before reaching a decision.

The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment.

Hackney carriage and private hire drivers are listed occupations under the Rehabilitation of Offenders Act 1974. This means that an applicant must disclose ALL convictions when applying for the grant of a licence. The Council may take into account anything they consider relevant to the determination of the application.

When the relevant required information has been returned, the application will be considered in the light of the information provided. The information will be used to ascertain whether the information given on the original application form was correctly and truthfully provided. It is therefore necessary to ensure that details of ALL convictions and cautions are provided at the initial stage.

A serious view will be taken of any application which seeks to conceal any caution or conviction in order to obtain a Licence. This is a criminal offence and, as such, may lead, not only to consideration of the applicant as not being a “fit and proper person”, but criminal proceedings.

In the event that there are no relevant convictions, cautions or fixed penalties held, the applicant will be considered to be a “fit and proper person” and the matter will be determined by the issue of the licence [subject to the successful completion of all other assessments].

Applications where convictions, cautions or fixed penalties are held will be considered by a Licensing Officer who, having regard to this policy may refer the application to a Licensing Committee for determination. This will result in either the determination of the applicant as a “fit and proper person”, indicated by the issue of a licence, or the application being refused. In these circumstances, the applicant has the right of appeal to the Magistrates’ Court, such appeal to be lodged within 21 days of the decision being notified.

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction.

For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

Fit and Proper Person

There is no absolute definition as to what constitutes a “fit and proper person”. However, considering the range of passengers that a driver may carry, for example, elderly people, unaccompanied children, people with disabilities, those who have had too much to drink, lone women and foreign visitors, the Council will want to have confidence that such people would be able to rely on the driver.

Some important areas that will be considered by the Council are:

- a) Honesty and trustworthiness – licensed drivers and operators often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. For example, any passenger would expect to be charged the correct fare for a journey and then given the correct change, they would

also expect a driver to hand in any article left by a passenger in a vehicle, and also to maintain confidentiality between driver and fare.

- b) Courtesy - taxi drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. A driver will not be expected to have any convictions or cautions for offences of a violent or threatening nature.
- c) Consistently good and safe driving - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence.
- d) Good knowledge of the area that they are working in.
- e) Good physical and mental health.
- f) Ability to read, speak and understand English, together with a working knowledge of arithmetic in giving the correct change, etc.

4. Licensing Comments

- 4.1 There is a statutory duty on the council to ensure that people licensed as private hire drivers are, and remain, fit and proper people.
- 4.2 Mr Holder has been sent a copy of this report and invited to attend this meeting to speak in support of himself and to answer members' questions or to be represented. In considering the application on its own merits Members should have regard to the adopted Probity Guide.

Background Papers

Service Records

Report Author

Contact officer: Andy Fox
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242775004

Cheltenham Borough Council

Licensing Committee – 9 November 2016

Review of a Private Hire Driver's Licence

Mr Aziz Ur Rehman - PHD021

Report of the Licensing Team Leader

1. Executive Summary and Recommendation

- 1.1 Mr Aziz Ur Rehman holds private hire driver's licence PHD021 which is due for renewal on 11 July 2019.
- 1.2 Mr Rehman has been convicted of an offence. The details of these are contained in the enclosed background papers.
- 1.3 **The Committee is recommended to resolve that:**
- 1.3.1 **Mr Rehman's private hire driver's licence be continued with no further action because the Committee is satisfied that he is a fit and proper person to hold such a licence; or**
- 1.3.2 **Mr Rehman's private hire driver's licence be revoked as the Committee considers him to no longer be a fit and proper person to hold such a licence.**
- 1.3.3 **Subject to resolution 1.3.2, that Mr Rehman's private hire driver's licence be revoked with immediate effect in the interest of public safety.**

1.4 Implications

- 1.4.1 Legal The Borough Council has the ability to suspend or revoke a private hire driver's licence with immediate effect if necessary in the interests of safety. There is a right of appeal against a suspension or revocation of a licence which, in the first instance, is to the Magistrates' Court.

Contact officer: Vikki Fennell
E-mail: Vikki.Fennell@teWKesbury.gov.uk
Tel no: 01684 272015

2. Background

- 2.1 The Borough Council must be satisfied that the holder of a Private Hire Drivers licence is a fit and proper person to hold that licence (Section 59 Local Government (Miscellaneous Provisions) Act 1976).

3. Policy Considerations

Appendix J - Relevance of Convictions, Cautions and Fixed Penalty Notices in Relation to the Licensing of Drivers and Operators

- 3.1 Each case will be decided on its own merits. Although an applicant may have convictions that would fall under the guidelines in this policy, the Council will always consider the full facts of the case and any mitigating or other circumstances before reaching a decision.

The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment.

Hackney carriage and private hire drivers are listed occupations under the Rehabilitation of Offenders Act 1974. This means that an applicant must disclose ALL convictions when applying for the grant of a licence. The Council may take into account anything they consider relevant to the determination of the application.

When the relevant required information has been returned, the application will be considered in the light of the information provided. The information will be used to ascertain whether the information given on the original application form was correctly and truthfully provided. It is therefore necessary to ensure that details of ALL convictions and cautions are provided at the initial stage.

A serious view will be taken of any application which seeks to conceal any caution or conviction in order to obtain a Licence. This is a criminal offence and, as such, may lead, not only to consideration of the applicant as not being a "fit and proper person", but criminal proceedings.

In the event that there are no relevant convictions, cautions or fixed penalties held, the applicant will be considered to be a "fit and proper person" and the matter will be determined by the issue of the licence [subject to the successful completion of all other assessments].

Applications where convictions, cautions or fixed penalties are held will be considered by a Licensing Officer who, having regard to this policy may refer the application to a Licensing Committee for determination. This will result in either the determination of the applicant as a "fit and proper person", indicated by the issue of a licence, or the application being refused. In these circumstances, the applicant has the right of appeal to the Magistrates' Court, such appeal to be lodged within 21 days of the decision being notified.

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction.

For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

Fit and Proper Person

There is no absolute definition as to what constitutes a "fit and proper person". However, considering the range of passengers that a driver may carry, for example, elderly people, unaccompanied children, people with disabilities, those who have had too much to drink, lone women and foreign visitors, the Council will want to have confidence that such people would be able to rely on the driver.

Some important areas that will be considered by the Council are:

- a) Honesty and trustworthiness – licensed drivers and operators often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. For example, any passenger would expect to be charged the correct fare for a journey and then given the correct change, they would also expect a driver to hand in any article left by a passenger in a vehicle, and also to maintain confidentiality between driver and fare.

- b) Courtesy - taxi drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. A driver will not be expected to have any convictions or cautions for offences of a violent or threatening nature.
- c) Consistently good and safe driving - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence.
- d) Good knowledge of the area that they are working in.
- e) Good physical and mental health.
- f) Ability to read, speak and understand English, together with a working knowledge of arithmetic in giving the correct change, etc.

4. Licensing Comments

- 4.1 There is a statutory duty on the council to ensure that people licensed as private hire drivers are, and remain, fit and proper people.
- 4.2 Mr Aziz Ur Rehman has been sent a copy of this report and invited to attend this meeting to speak in support of himself and to answer members' questions or to be represented. In considering the application on its own merits Members should have regard to the adopted Probity Guide.

Background Papers

Service Records

Report Author

Contact officer: Mr Louis Krog
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 775200

