



LICENSING SUB-COMMITTEE (TAXIS)

**Determination of whether an
applicant for a joint hackney carriage
and private hire driver's licence is a
'fit and proper' person**

Decision Record

DATE OF HEARING: 21st March, 2024

MEMBERS SITTING: Cllrs Sarah Spall, S. Trussler and Jacqui Vosper (Chairman)

DECISION

The Sub-Committee was satisfied that the Applicant is a fit and proper person so as to be able to progress his application for a joint hackney carriage and private hire driver's licence. He will, of course, be required to re-undertake the test that was stopped on 2nd August, 2023. Whether the Council ultimately grants a licence will depend upon the satisfactory completion by the Applicant of all outstanding requirements of him.

REASONS

This is the decision of the Licensing Sub-Committee (Taxis) on the application by Mr Ali Haseeb-Ur-Rehman for the grant of a joint private hire vehicle/hackney carriage driver's licence.

It was agreed between the Applicant and the Council's licensing department before the hearing that the issue for the Sub-Committee today should be whether the Applicant is a fit and proper person. The Applicant has yet to satisfy all the Council's requirements for the grant of a licence. The Sub-Committee accepts that proposal as both reasonable and proportionate.

The Applicant first applied to the Council for the grant of a private hire vehicle driver's licence on 12th January, 2023. He withdrew that application on 17th May, 2023. He then applied to the Council for the grant of a joint private hire vehicle/hackney carriage driver's licence on 24th July, 2023.

As part of that application process, the Applicant was invited to undertake a knowledge test on 2nd August, 2023. In a letter dated 9th May, 2023 inviting him to a knowledge test for the previous application, the Applicant was advised that he must not have out on the desk, or use, a mobile phone (among other things) whilst taking the test. He was further advised that such use would result in the test being void and that a serious view would be taken of cheating and may result in the refusal of the application. It is accepted that the Applicant was not sent a similar letter inviting him to the test on 2nd August, 2023.

During the test, the Applicant was witnessed looking into his lap. He was approached by Aimee Vosser, a Council licensing officer, and asked if he was using a phone. He denied this. He was asked to stand up and when he did, Ms Vosser saw a phone in the middle of the seat. The Applicant said "sorry". The screen on the phone was active but Ms Vosser could not see what was on the screen but it was neither blank nor black. There was no evidence that the Applicant was either speaking into the phone or typing on it. She stated that after she left the exam room with the Applicant to discuss the matter, she asked the Applicant why he had his phone out and he replied that he had been

struggling with the test and was sorry.

The Applicant's application was refused on 8th August, 2023.

The Applicant subsequently applied to Hart District Council for a similar licence. In his application form, in response to the question whether he had applied to any other authority for a hackney carriage or private hire driver's licence, he answered neither yes nor no. When asked to give details of the issuing authority, he wrote "N/A". The Sub-Committee understands that Hart District Council subsequently refused the application.

On 17th January, 2024, the Applicant applied again to the Council. It is this application which is before the Sub-Committee today.

The Sub-Committee has not heard from the Applicant today. It is understood that he has a prior commitment in the Army. We have heard from his representative, Mr Choudhary, and it was made clear that the Applicant wanted the hearing to proceed in his absence. The Sub-Committee has also not heard from Ms Vosser, who was unable to attend through illness.

Looking at the evidence the Sub-Committee had heard, the Sub-Committee concluded that it was very unwise of the Applicant to be checking his phone during the knowledge test. It gave rise to entirely understandable concerns on the part of both the invigilator and Ms Vosser. Furthermore, the Sub-Committee accepts that the Applicant did tell Ms Vosser that he was sorry and that he was struggling with the test. The Sub-Committee was not persuaded, however, that this was an admission of guilt. In the circumstances, the Sub-Committee is not satisfied that the Applicant was cheating on 2nd August, 2023, rather than acting innocently, even if foolishly.

As to the application to Hart District Council, the Sub-Committee has, again, not heard from any officer from that authority. In the Sub-Committee's view, there is at least some ambiguity surrounding the completion of the application form, although it is clear that the Applicant could, and should, have sought help from Hart officers if he was in any way confused by the application form. In the circumstances, the Sub-Committee is not satisfied that the completion of the form demonstrates dishonesty on the part of the Applicant.

The Sub-Committee has read all the papers in this case and had regard to both the Council's licensing policy and the Department of Transport statutory standards. In particular, it has read a number of positive character references for the Applicant.