

Record of Decision

Licensing Sub Committee

Date of Hearing: Monday, 13 October 2025

Members: Councillors D Oliver (Chairman), J Carney, P Murphy and D Cutler (substitute)

DETERMINATION OF AN APPLICATION FOR A NEW PRIVATE HIRE DRIVER'S LICENCE

Application considered

Representations heard from the applicant regarding his application for a Private Hire Vehicle Driver's License.

We have found the following facts:

- The applicant has four previous convictions (recorded in 2020) for the offences disclosed in his DBS certificate. These convictions were connected to insurance matters regarding a vehicle.
- The applicant was previously known by a different name and changed his name by deed poll – the previous name was disclosed on his application.
- The applicant did not disclose his previous convictions on his application.
- That the application form clearly states:

“You MUST declare ALL previous convictions: Criminal and non-criminal cautions, whether spent or unspent, no matter how long ago they occurred and no matter whether they have been declared on a previous application.”

Do you have any previous convictions?”

Law and guidance considered

- Legislation and policy referred to in the report
- Fenland District Council – Taxi Licensing policy
- Any statutory guidance
- Conditions of Licensing

Legal advice provided

- That the applicant changed his name by deed poll.
- That the Disclosure & Barring Service list of “aliases” has accounted for every variation of names supplied.
- That convictions for the purposes of Private Hire Vehicle Driver Licences are not spent and must be disclosed upon application.

Matters found to be irrelevant

The applicant’s personal circumstances.

Decision

To refuse the application for a Private Hire Vehicle Driver’s Licence to the applicant.

Reasons for the decision

We do not consider the applicant to be a fit and proper person to hold a Private Hire Vehicle Driver’s Licence issued by Fenland District Council, notwithstanding that he may have held a previous permission from TfL.

The applicant completed his application and failed to mention four previous convictions later disclosed by a Disclosure & Barring Service check. The applicant said his failure to disclose the convictions was due to confusion regarding whether he was required to disclose spent convictions. The Sub-Committee were not persuaded, on the balance of probabilities, that this was true. The Sub-Committee reviewed the application form, which is abundantly clear that ALL convictions must be declared whether spent or unspent. The Sub-Committee noted that the applicant had via that failure, potentially committed a further offence.

The Sub-Committee considered its policy in respect of offences concerning dishonesty, noting that the minimum period before granting a licence is five years from conviction. Having heard from the applicant regarding the circumstances of his convictions and that they were linked to matters pertaining to vehicle insurance, the Sub-Committee considered that there were factors in this case that suggested the minimum period should not apply, e.g. the nature of the offences and also the applicant’s failure to disclose his previous convictions.

PLEASE NOTE

You have a right of appeal to the Magistrates Court against this determination. You **MUST** lodge any appeal to Peterborough Magistrates Court within 21 days of receipt of this notice.

Peterborough, Huntingdon and Fenland Magistrates Court
The Court House
Bridge Street
Peterborough
PE1 1ED

There may be a fee to pay.