**EXEMPT MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE,
HELD ON WEDNESDAY, 16TH SEPTEMBER, 2026 AT 10.00 AM
IN THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors J Henderson (Chairman), Casey (Vice-Chairman), A Cossens (items 9-14 only) and Davidson
In Attendance:	Sarah Opene (Litigation Lawyer), Michael Cook (Licensing Manager), Katie Moss (Democratic Services Officer), Emma King (Licensing Officer) and John Leonard (Licensing Enforcement Officer)

13. EXEMPT MINUTES

The Licensing Manager informed the Sub-Committee that Mr Carvalho, who had appeared before Members at their previous meeting held on 22 June 2026, had subsequently appealed the Sub-Committee's decision at the Magistrates' Court. Members were advised that the appeal had been dismissed and that Mr Carvalho was now serving the suspension imposed by the Sub-Committee.

It was moved by Councillor Davidson, seconded by Councillor A Cossens and:-

RESOLVED that the minutes of the last meeting of the Sub-Committee, held on Monday, 22 June 2026 be approved as a correct record and be signed by the Chairman.

14. REPORT OF ASSISTANT DIRECTOR (CORPORATE POLICY & SUPPORT) - B.1 - REVIEW OF A HACKNEY CARRIAGE DRIVER AND VEHICLE LICENCE

Mr. Thomas Downs – 44 Beach Road, Clacton on Sea, Essex, CO15 1UE

It was reported that Mr. Downs had been licensed as a Hackney Carriage Driver with the Council for over 17 years. His current Hackney Carriage Driver Licence had been due to expire on 28 May 2028, and his current Hackney Carriage Vehicle Licence had been due to expire on 21 January 2027.

During a taxi rank inspection conducted by the Licensing Enforcement Officer on 24 July 2026, Mr Downs had been observed displaying the vehicle licence plate in the rear window of the vehicle, and no licence plate had been displayed at the front of the vehicle as required by the Hackney Carriage Vehicle Licence Conditions.

The Sub-Committee was told that Mr. Downs had been advised by the Licensing Enforcement Officer that the matter required immediate rectification to ensure full compliance with the licensing requirements. Mr. Downs had initially indicated that he would return home and address the issue without delay. However, the Licensing Enforcement Officer had subsequently observed Mr. Downs continue to operate the vehicle and to accept a fare from a member of the public.

Members heard that when challenged by the Licensing Enforcement Officer, Mr. Downs had stated that he would complete the fare and accept any enforcement points that may

be issued. Mr. Downs then drove away and continued to operate the vehicle whilst not complying with the licensing requirements and vehicle licence conditions.

A statement from the Licensing Enforcement Officer relating to his interaction with Mr. Downs on 24 July 2026 was included at Appendix A of the Officer report (B.1).

It was further reported that on 24 July 2026 at 1453hrs, Mr. Downs had been sent an email from the Licensing Enforcement Officer requesting him to produce photographs of the vehicle showing that the plates for Licence T167 had been fitted to the vehicle correctly. That request was not fulfilled until 27 July 2026 at 0820hrs.

In considering that matter, Members were requested to note that Mr. Downs had also received two separate enforcement penalties of three points each on his Hackney Carriage vehicle licence for failing to produce the required documentation within the prescribed timescales. Those penalty points had been due to expire in 2028 and 2029 respectively. In addition, he had received three penalty points on his Hackney Carriage / Private Hire driver licence for failing to produce the required documentation within the prescribed timescales. Those points had been due to expire in 2027.

The following enforcement penalty points remain valid and are currently endorsed on Mr Downs Hackney Carriage / Private Hire Drivers licence; and Hackney Carriage Vehicle Licence due to the failure to provide the required documentation within the prescribed timescales, in accordance with the Council's current enforcement policy:

- Driver Renewal Documentation – 4 points issued, due to expire 07/11/2027
- Vehicle MOT – 3 points issued, due to expire 19/06/2028
- Vehicle Insurance – 3 points issued, due to expire 03/02/2029

Members were informed that Mr. Downs had previously appeared before the Sub-Committee on 11 March 2024, having accrued 14 penalty points for several breaches of licensing conditions, including the failure to display vehicle licence plates on a previous vehicle. Following consideration of the matter, Members had resolved on that occasion to uphold the 14 enforcement penalty points already imposed on his licence and to also impose a 7-day suspension. Those enforcement penalty points had expired at the beginning of 2026. A copy of the relevant minute included at Appendix B of the Officer report (B.1).

Mr. Downs had been notified in writing of the action to be taken following the event on 24 July 2026 and he had later been informed of the date of the Miscellaneous Licensing Sub-Committee meeting for which he would be required to attend. Copies of that correspondence was included at Appendix C of the Officer report (B.1).

Questions by the Sub-Committee to Mr. Downs (unless otherwise stated):	Mr. Downs answers (unless otherwise stated):
It was suggested that Mr. Downs had advised he would return home to rectify the issue with the vehicle plates but instead proceeded to accept a fare. Was that correct?	(Michael Cook) Yes, that is correct.
You have described the matter as a technicality; however, the failure to display the required plates is a breach	(Mr. Downs) I see my hand in the photograph, but I do not see a cigarette. I stand outside of the vehicle to smoke.

of licensing conditions. In addition, there is a photograph on page 24 which appears to show you smoking in the vehicle. Can you comment on this?	
Did you continue with the fare despite being aware of the potential consequences?	(Mr. Downs) Yes, I did, but I felt it would have been wrong to leave the elderly gentleman without transport.
Did you refuse the Officers' suggestion to obtain a replacement sign, which would have enabled you to continue working?	(Mr. Downs) Yes. I did not wish to incur the cost of purchasing something that I did not feel I needed. I was awaiting my relation to help with the bracket I had at home as there was a problem with it.
Is the sign currently attached to the vehicle using tape?	(Mr. Downs) Yes.
Have you made arrangements to obtain the correct bracket?	(Mr. Downs) Not as yet, no. I need to make arrangements for this as I have the plate fixed by tape.
Are drivers made aware of all relevant rules and regulations when they are granted a licence?	(Michael Cook) Yes, they are, and the requirements are contained within the licensing conditions and policy which Mr. Downs would have received a copy of.
You previously appeared before the Sub-Committee in March 2024 in relation to a breach for failing to display vehicle plates. Were you therefore aware that penalty points could be imposed for such an offence?	(Mr. Downs) The points relating to that matter were dealt with and expired.
It is recorded on page 22 that you intended to complete the fare and would accept any penalty points that may result. Why did you make that statement?	(Mr. Downs) I did not feel it would have been responsible to leave the passenger at the roadside.
Did the passenger have any mobility aids, and had he walked independently to the taxi rank?	(Mr Downs) As far as I am aware, he did not have any mobility aids. However, he appeared out of breath and struggled to fasten his seatbelt, which led me to believe that he may have been vulnerable. Had another taxi been available behind me, I would have assisted him into that vehicle. As I had been asked to leave the taxi rank, I did not feel it was appropriate to leave him without transport. Whilst I considered the offence to be minor, I believed I was doing what I felt was the right thing in the circumstances.
Did you have a front plate displayed on the vehicle?	(Mr. Downs) No, I did not. That was my mistake. The rules on the front plate are new, and I wasn't aware that it had to be displayed.

Mr. Downs questioned the other enforcement points on his licence as he said he was not aware of them as he had not received any letters. The Sub-Committee asked the Licensing Officer to confirm details of those, and he confirmed that Mr. Downs had been sent those letters accordingly.

The Licensing Officers and Mr. Downs then left the meeting whilst the Sub-Committee deliberated and reached its decision.

Following the discussion, the Licensing Officers and Mr. Downs returned to the meeting and the Chairman read out the following statement:

"We have heard from the licensing department the facts of this case and read the witness statement of officer John Leonard.

As part of the facts Mr. Downs was approached by Licensing Officer, John Leonard, and informed of his non-compliance in that he had failed to display his plates in accordance with the licensing conditions. In response Mr. Downs stated that the non-compliance was minor and sounded exasperated as to why he was before the Committee and in his words his non-compliance was a "technicality".

He proceeded to pick up a passenger after he had agreed to go and fix the plate and in turn informed the officer that he intended to complete the fare and would accept any Tendring District Council enforcement points that would be issued.

The Sub-Committee was also made aware that there had been Tendring District Council points issue for driver renewal documentation, vehicle MOT, vehicle insurance amongst others.

We have determined this matter on its on merit to determine if Mr. Downs can be deemed a fit and proper person in accordance with the Local Government Miscellaneous (provision) Act 1976.

Mr. Downs insisted that the time frame for the Tendring District Council enforcement points was two years, but we wish to clarify that the points are for a three-year period on the licence.

The decision has been made to suspend Mr. Downs Hackney carriage/private hire driver's licence for a period of four months. The suspension will be after 21 days from notification of this decision. The decision of the Sub-Committee can be appealed at the Magistrates court within the next 21 days."

Therefore, it was unanimously:-

RESOLVED that Mr. Downs' Hackney Carriage/Private Hire Driver Licence be suspended for four months with the option to appeal the decision within 21 days of the meeting to the Magistrate's Court. The Sub-Committee considered a four-month suspension to be proportionate, given that previous suspensions had not sufficiently impressed upon the licence holder the importance of compliance.

The Chairman requested that it be recorded in the minutes that Mr. Downs whilst leaving the room said an audible profanity.

At this point in the meeting, Councillor A Cossens left.

15. REPORT OF CORPORATE DIRECTOR (LAW & GOVERNANCE) - B.2 - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

Mr. Jonathan Embery – Giles Barn, Flat 3, 73 Agincourt Road, Clacton on Sea.

It was reported that Mr. Embery had commenced an application for a Hackney Carriage/Private Hire Driver Licence on 31 July 2025.

As part of the application process, he had completed three Suitability Tests and eleven Knowledge Tests before successfully achieving the required pass standards and therefore able to progress his application. Dates confirming when the suitability and knowledge tests had been undertaken were as follows:

Suitability	16.07.25	Pass
1st knowledge	20.07.25	Fail
2nd knowledge	10.09.25	Fail
3rd knowledge	15.10.25	Fail
4th knowledge	30.10.25	Fail

The Sub-Committee was told that the application had then been terminated, and the applicant had had to wait one month before he could restart the process.

Suitability	26.11.25	Pass
1st knowledge	17.12.25	Fail
2nd knowledge	21.01.26	Fail
3rd knowledge	04.02.26	Fail
4th knowledge	11.03.26	Fail

The Sub-Committee was further advised that the application had then been terminated, and the applicant had had to wait for one month before he could restart the process.

Suitability	08.04.26	Pass
1st knowledge	20.05.26	Fail
2nd knowledge	24.06.26	Fail
3rd knowledge	12.08.26	Pass

On the application form submitted on 16 April 2026, Mr. Embery had declared that his DVLA driving licence had been endorsed on 15 July 2023 with six penalty points for the offence of using a vehicle uninsured against third party risks (IN10). A copy of the application had been attached as Appendix A to the Officer report (B.2).

As part of the application process, Officers had conducted a DVLA licence check which had confirmed the endorsement. Following confirmation of the offence, Officers had requested that Mr. Embery complete an offence declaration form. Copies of the DVLA check and the completed offence form were included at Appendix B of the Officer report (B.2).

Members were informed that the check of Mr. Embery's DVLA licence had shown that the endorsement remained valid until 15 July 2026 and would have remained on his

licence record until 15 July 2027. The applicant's DVLA driving record had shown that the endorsement was no longer active for totting-up purposes. Whilst the penalty points had expired in terms of their effect on the driving licence, they remained visible on the DVLA record for the statutory retention period prescribed by law. In most cases, endorsements would remain on a driving record for four years, although certain more serious offences could remain for up to 11 years.

Licensing authorities were provided with the applicant's DVLA driving record, including any expired endorsements, as part of the assessment of whether an individual would be a fit and proper person to hold a Hackney Carriage/Private Hire Driver Licence. The presence of an endorsement on a DVLA record would not indicate that it remained active; however, it formed part of the applicant's driving history until the applicable retention period had expired.

Mr Embery had been informed by email on 20 August 2026 that, due to the DVLA check having identified a motoring offence resulting in six penalty points, his application for a Hackney Carriage/Private Hire Driver Licence would be referred to the Miscellaneous Licensing Sub-Committee for its consideration and determination.

It was reported that, as part of the grant process the following documentation would be required to be submitted by Mr. Embery. If Members were minded to, grant a licence, this would be subject to the following being received and found to be correct:

- Enhanced DBS no more than one month old
- Medical assessment
- Passport size photographs endorsed by GP
- Certificate of Character Reference
- BTEC/PATS Certificate
- Proof of National Insurance number
- Child Sexual Exploitation Certificate
- Taxi Drivers Assessment Certificate
- Immigration/Right to work

Hackney Carriage and Private Hire Policy

Members were informed that as a new driver, Mr. Embery would have been informed of the licensing requirements and his attention directed to the current policy upon his application.

Mr. Embery had requested that due to the costs of the outstanding documentation, that the application be heard by the Sub-Committee before he undertook to provide those.

The Licensing Officers and Mr. Embery then left the meeting whilst the Sub-Committee deliberated and reached its decision.

Following the discussion, it was unanimously:-

RESOLVED that Mr. Embery's Hackney Carriage/Private Hire Driver Licence application be granted pending the submission of the outstanding following documentation:

- Enhanced DBS no more than one month old
- Medical assessment
- Passport size photographs endorsed by GP
- Certificate of character reference
- BTEC/PATS Certificate
- Proof of National Insurance Number
- Child Sexual Exploitation Certificate
- Taxi Drivers Assessment Certificate
- Immigration/right to work.

16. REPORT OF CORPORATE DIRECTOR (LAW & GOVERNANCE) - B.3 - REVIEW OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER AND HACKNEY CARRIAGE VEHICLE LICENCE

Mr. Richard Eastment – 9 Point Clear Road, St Osyth.

The Sub-Committee was informed that Mr. Eastment had not attended.

It was unanimously:-

RESOLVED that the review of Mr. Eastment's Hackney Carriage/Private Hire Licence and Hackney Carriage Vehicle Licence be deferred to enable Officers to arrange the attendance of the Mr. Eastment at the next meeting of the Sub-Committee.

17. REPORT OF CORPORATE DIRECTOR (LAW & GOVERNANCE) - B.4 - REVIEW OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

Mr. Sean Preston – 14 Larkfield Road, Great Bentley

The Sub-Committee was informed that Mr. Preston had not attended. The Licensing Manager had attempted to contact Mr. Preston via telephone during the meeting, but had been unsuccessful.

It was unanimously:-

RESOLVED that the review of Mr. Preston's Hackney Carriage/Private Hire Licence be deferred to enable Officers to arrange the attendance of Mr. Preston at the next meeting of the Sub-Committee.

The Meeting was declared closed at 11.32 am

Chairman

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