

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 15 December 2017

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 10.00am

Present: Councillors: -

Tony Boto
Richard Gell

Gill Mercer

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Tony Boto be appointed Chairman of the Panel for the Hearing.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

No interests were declared.

4. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That the public and press be excluded from the meeting during consideration of the following item of business because exempt information, as defined under paragraphs 1 and 7 of Schedule 12A of the Local Government Act 1972, may be disclosed.

5. CONSIDERATION OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE AND PRIVATE HIRE OPERATORS LICENCE

(The Applicant was present at the Hearing).

The Licensing Enforcement Officer (LEO) reported that on 4 October 2017 an application had been received for a Hackney Carriage and Private Hire Driver's Licence. A subsequent application for a Private Hire Operator's Licence had been received on 17 November 2017.

The Applicant currently held a Private Hire Driver's Licence and Private Hire Operator's Licence with Bedford Borough Council.

The Applicant's enhanced DBS document contained no information, however the Applicant had declared on his application that he had a conviction for allowing a motor vehicle to be used as a hackney carriage without a licence, for which he was fined £250. The Applicant had provided a letter of explanation of the offence with his application and the LEO had contacted Bedford Borough Council to clarify details of the offence.

Neither the Applicant nor Panel Members had any questions for the LEO.

Applicant's address to the Panel

The Applicant stated that he was a small business who had not been using a computer system to manage his bookings at the time of the offence. As he was using a paper system he had gotten his MOT dates mixed up with his licensing dates and the mistake had occurred. He admitted that he had made a mistake but he had fully cooperated with Bedford Borough Council during their investigation. He had now changed to a computer system to manage his bookings, drivers and licences which appeared to be working well. Also, ENC would send reminders about his licences which did not happen in Bedford, which would again help ensure that the mistake did not happen again. He had been very open and honest about the offence.

The LEO had no questions of the Applicant.

Questions to the Applicant from the Panel

In response to questions from the Panel, the Applicant advised that his business started in 2001 and specialised in corporate work including airport transfers and generally did not drive for the general public. He ran a chauffeur service and had six drivers. He sub-contracted when necessary, particularly on large jobs, but he always checked the companies he used had an operator's licence. He confirmed that since the incident, Bedford had renewed his operator's licence twice and he had held a driver's licence. He had also undergone a licensing officer visit.

Final statement from the Applicant

The Applicant stated that he ran an honest company. He believed that the East Northamptonshire District offered more than where he was currently based and he wanted to expand his business and this appeared to be a good area in which to expand to.

The LEO made no final statement.

At 10.15am the Panel adjourned to make their decision.

The Panel reconvened at 10.45am to announce their decision.

RESOLVED:

The Panel has carefully considered the report by East Northamptonshire Council's Licensing Enforcement Officer to determine the fitness of the Applicant to hold a Hackney Carriage and Private Hire Drivers Licence.

In reaching its decision, the Panel had regard to:

- Application form for Hackney Carriage/Private Hire Driver's Licence
- Application form for Operator's Licence
- Letter from the applicant dated 10.10.17
- Information from Bedford Borough Council
- Local Government (Miscellaneous Provisions) Act 1976
- ENC Licensing Policy for Hackney Carriage and Private Hire Drivers
- ENC Criminal Records Policy
- The report from the East Northamptonshire Council's Licensing Enforcement Officer
- Current DBS records.

The Panel has unanimously decided to grant the licence and on a balance of probability, has decided that the Applicant is a fit and proper person to be licenced as a hackney carriage & private hire/driver. (For avoidance of doubt the Operator's Licence is automatically granted as a consequence of the Panel's decision).

The reasons for this decision are:-

- The Panel appreciated the Applicant's honesty and integrity in admitting that he had made a mistake in allowing a motor vehicle to be used as a hackney carriage without a licence. The Applicant explained that he had used a paper based system which was inadequate that allowed for this mistake to happen. The Panel noted that the Applicant had since installed a new computer system which should prevent any future reoccurrence of the problem.
- The Panel wish to point out to the Applicant that he should not rely on East Northamptonshire Council to send out a reminder to renew his licences and must make suitable arrangements to renew these licences at the appropriate time

The Decision Notice will be sent out in writing. If aggrieved with the Panel's decision, the Applicant and any Party that has made representation has the Right to Appeal to the Magistrates Court within 21 days of the Decision Notification letter.

Chairman