

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 08 October 2018

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 10.00am

Present: Councillors: -

**Barbara Jenney
Gill Mercer
Pam Whiting**

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Barbara Jenney be appointed Chairman of the Panel for the Hearing.

2. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Andy Mercer and Councillor Pam Whiting was attending in his place.

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 not present at the Hearing).

Following the Panel Hearing held on 17 September 2018, the Licensing Enforcement Officer updated the Panel with details of the attempts made to contact the Applicant to encourage her to attend today's hearing.

The Licensing Enforcement Officer reported that on 2 August 2018, an application had been received for a Hackney Carriage and Private Hire Driver's Licence. As the applicant had a previous conviction, the application was required to be considered by a Panel.

Having carefully considered all of the information available, the Panel **RESOLVED**, by a majority, that:

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:

- The report from the East Northamptonshire Council's Licensing Enforcement Officer
- Application form for Hackney Carriage/Private Hire Driver's Licence
- Supplementary Information on Criminal Records
- DVLA Record
- Local Government (Miscellaneous Provisions) Act 1976
- ENC Licensing Policy for Hackney Carriage and Private Hire Drivers
- ENC Criminal Records Policy
- Current DBS records

It is the duty of the Panel to determine the application on the balance of probabilities. The Panel, by majority, have decided that the applicant is, on a balance of probability, a fit and proper person to be licenced to drive a Hackney Carriage/Private Hire vehicle and ought therefore to be licenced. The Panel has therefore decided to grant the licence.

The applicant was not present and could not provide additional information which may have assisted the Panel. However, the Panel felt that they had sufficient information to make the decision.

The reasons for this decision are:-

- The Panel noted that the convictions were 20 years old and there have been no convictions since.
- The Panel noted that the driving fixed penalty notices received on 18 June 2015 and 3 November 2010 would no longer be on the DVLA records.
- The Panel noted that the applicant currently holds a taxi licence with the Borough Council of Wellingborough which she has held for 5 years without issue.

The Panel would remind the applicant that being a Taxi Driver is a highly responsible position and therefore, they wish to emphasise the importance of the East Northamptonshire Licensing Policy governing Hackney Carriage and Private Hire Drivers Licence. Further the Panel would like to warn the applicant that any future breaches of the policy or misconduct would not be looked upon favourably and may result in the licence being suspended or revoked.

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