

## LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 19 November 2018

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 10.00am

Present: Councillors: -

Tony Boto  
Helen Howell  
Peter Wathen

### 1. APPOINTMENT OF CHAIRMAN

#### RESOLVED:

That Councillor Peter Wathen 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 VEHICLE LICENCE

*(The Licence Holder was present at the Hearing).*

The Licensing Enforcement Officer reported that on 2 November 2018, a complaint concerning a Private Hire Driver had been received. Following investigation of the complaint, a total of 12 penalty points had been registered on the Licence Holder's file and as 12 points had been accumulated within a two year period, the Licence Holder was required to appear before the Licensing Panel.

Having heard from the Licence Holder and carefully considered all of the information available, the Panel **RESOLVED:**

The Panel has carefully considered the report by East Northamptonshire Council's Licensing Enforcement Officer to determine the fitness of the licence holder.

In reaching its decision, the Panel had regard to:

- The report from the East Northamptonshire Council's Licensing Enforcement Officer
- Email from the operator of the taxi company
- Email from a Police Officer
- Licensing Enforcement Officer Witness Statement
- Screen shots of text messages
- Screen shot of CABMASTER information 31 October 2018
- Screen shot information CABMASTER 2 November 2018
- Video evidence of the speedometer 2 November 2018 time 16:48
- Local Government (Miscellaneous Provisions) Act 1976

The Panel has reached a unanimous decision that, on a balance of probability, the Licence Holder is not considered to be a fit and proper person to continue being licensed as a hackney carriage and private hire driver. The Panel had noted that a letter dated 6 November 2018 sent to the Licence Holder had issued 12 penalty points for *Reckless and dangerous driving of a Hackney Carriage/Private Hire Driver leading to injury or danger*.

The Panel have therefore decided to immediately revoke the licence in the interests of public safety, pursuant to Section 61 (2B) Local Government (Miscellaneous Provisions) Act 1976.

The reasons for this decision are:-

- The Panel made reference to the evidence supplied by the CABMASTER system of the Licence Holder driving at speeds of up to 97 miles per hour. The Panel were informed of the accuracy of the CABMASTER system by the taxi operator.
- The Panel also felt the passenger's safety was put at serious risk by the Licence Holder driving at excessive speeds.
- The Panel noted that the passenger was a vulnerable young person. Therefore the Licence Holder was in contravention of ENC's Taxi Licensing Policy 2017 Section 4.5.2 which states "*When assessing applications it is generally accepted that a suitable test to consider whether an individual is a fit and proper person by effectively asking the following question:-*  
  
*"Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"*
- The Panel felt that this was a very serious incident of reckless and dangerous driving for which the Licence Holder had received immediately the maximum of 12 penalty points under ENC's Penalty Points Scheme

In reaching this decision, the Panel have taken into consideration the Licence Holder's explanation of the incidents which occurred on the 31 October 2018 and 2 November 2018.

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**