

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 17 June 2019

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 10.00am

Present: Councillors: -

Richard Gell
Andy Mercer
Colin Wright

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Andy Mercer be appointed Chairman of the Panel for the Hearing.

2. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Gill Mercer and Councillor Andy Mercer was attending in her 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 present at the Hearing)

The Licensing Enforcement Officer reported that on 17 May 2019, an application had been received for a Hackney Carriage and Private Hire Driver's Licence. As the applicant had previously been convicted of a Public Order Act offence, the application was required to be considered by a Panel.

Having heard from the Applicant and carefully considered all of the information available, the Panel **RESOLVED** 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
- Local Government (Miscellaneous Provisions) Act 1976
- ENC Taxi Licensing Policy
- ENC Criminal Records Policy
- Current DBS records.
- Verbal evidence from the applicant
- Verbal evidence from the Licensing Enforcement Officer

It is the duty of the Panel to determine the application on the balance of probabilities and the Panel therefore asked themselves the 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 have decided on a majority decision 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 licensed. The Panel has therefore decided to grant the licence.

The reasons for this decision are:-

- The Panel made reference to the fact that this was an isolated incident and noted that the restraining order expires on the 18 June 2019. During which period there have been no other incidences. Both parties have now resolved their differences and communication with the children is in place.
- The Panel also felt that the applicant has since settled into another relationship which has resulted in the birth of another child, which influenced the Panel's decision.

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. The Panel would like to remind the Applicant that any 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

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 21 June 2019

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 10.00am

Present: Councillors: -

Tony Boto
Dorothy Maxwell
Peter Wathen

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Peter Wathen be appointed Chairman of the Panel for the Hearing.

2. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Glenvil Greenwood-Smith and Councillor Peter Wathen was attending in her 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 present at the Hearing)

The Licensing Enforcement Officer reported that on 29 March 2019, an application had been received for a Hackney Carriage and Private Hire Driver's Licence. As the applicant had previous convictions, the application was required to be considered by a Panel.

Having heard from the Applicant and carefully considered all of the information available, the Panel **RESOLVED** 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
- The application form for Hackney Carriage/Private Hire Driver's Licence
- Supplementary Information on Criminal Records
- Local Government (Miscellaneous Provisions) Act 1976
- ENC Taxi Licensing Policy
- ENC Criminal Records Policy
- Current DBS records.
- Verbal evidence from the applicant
- Verbal evidence from the Licensing Enforcement Officer

The Panel have carefully considered the representations made by all Parties and also gave due regard to all of the above documents in reaching its decision.

The Panel have decided unanimously that the Applicant is not, on a balance of probability, a fit and proper person to be licenced to drive a Hackney Carriage/Private Hire vehicle and ought therefore not to be licensed. The Panel has therefore decided to refuse the licence.

The reasons for this decision are:-

- The Panel considered ENC's Criminal Records Policy in particular Section 9.0.3 which clearly states that 5 years should expire after the restoration of the driving licence following a drink driving conviction, and Section 5.1.2 which states that this policy should only be departed from in exceptional circumstances. The Panel felt that the Applicant was unable to demonstrate any circumstances which would enable the Panel to take an alternative view or depart from the Policy.
- The Panel also asked themselves the 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 answer to this was no.

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

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 03 July 2019

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 10.00am

Present: Councillors: -

Glenvil Greenwood-Smith
Helen Howell
Pam Whiting

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Helen Howell 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 reported that on 19 June 2019, 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 heard from the Applicant and carefully considered all of the information available, the Panel **RESOLVED** 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
- The application form for a Hackney Carriage/Private Hire Driver's Licence
- Supplementary Information on Criminal Records
- Local Government (Miscellaneous Provisions) Act 1976
- ENC Taxi Licensing Policy
- ENC Criminal Records Policy
- Current DBS records
- Verbal evidence from the applicant
- Verbal evidence from the Licensing Enforcement Officer

The Panel have carefully considered the representations made by all parties and also gave due regard to all of the above documents in reaching its decision.

The Panel have decided unanimously 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 licensed. The Panel has therefore decided to grant the licence.

The reasons for this decision are the Panel considered ENC's Criminal Records Policy in particular Section 8.0.1 and Section 8.0.2.

- Section 8.0.1 clearly states "*A hackney carriage/private hire driver is expected to be trustworthy. During the course of their working duties they will deal with cash transactions and valuable property may be left in their vehicles. For these reasons, a serious view is taken of any conviction involving dishonestly*".
- At Section 8.0.2 the policy states '*In general, a minimum period of 5 years free of conviction or at least 5 years must have passed since the completion of sentence (whichever is longer) before granting a licence. Offences involving dishonestly include;*
 - *Theft*
 - *Or any similar offences (including attempted or conspiracy to commit) offences which replace the above*
- The Panel took the policy of ENC into consideration but the offence occurred on 1st January 2013 and the conviction was on 30th March 2016, therefore the applicant was on remand for almost three years which the Panel felt should be taken into consideration. The Panel noted that the applicant has been free of any further conviction for seven years.
- The Panel also asked themselves the 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 answer to this was yes.

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