

# **Consideration by East Northamptonshire Council of a Hackney Carriage and Private Hire Drivers Licence Monday 12 August 2019**

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
- DVLA Licence Summary
- Supplementary Information on Criminal Records
- Local Government (Miscellaneous Provisions) Act 1976
- ENC Criminal Records Policy
- ENC Taxi Licensing Policy
- Verbal evidence from the applicant
- Verbal evidence from the Licensing Enforcement Officer
- Legal advice from the ENC's legal 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, Section 8.0.2, Section 9.0.2 and Section 17.01.

- 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*
  
- At Section 9.0.9 the policy states *‘A serious view is taken of any drug related offence. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern. The nature and quantity of the drugs and whether for personal use or supply will be considered carefully’.*
  
- In the summary of Section 17.0.1 it states *“in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (the period of time depending on the crime committed).*

The Panel noted that the applicant has been free of any further convictions since 1995, except for a speeding offence in 2007.

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 – Councillor A Mercer

12 August 2019