

**Consideration by East Northamptonshire Council of a
Private Hire Operators Licence
Thursday 22 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 Private Hire Operators 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 Private Hire Operator's Licence
- Decision notice dated 18 January 2016
- ENC Taxi Licensing Policy
- Verbal evidence from the applicant.
- Character reference
- Verbal evidence from the Licensing Enforcement Officer
- Local Government (Miscellaneous Provisions) Act 1976
- 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 not, on a balance of probability, a fit and proper person to be licenced to hold a Private Hire Operators Licence and ought therefore not to be licensed. The Panel has therefore decided not to grant the licence.

The reasons for this decision are the Panel considered ENC's Taxi Licensing Policy in particular Section 4.5.1, Section 4.5.5, and Section 11.3.1.

- Section 4.5.1 clearly states *'Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that all applicants and licence holders are and remain fit and proper to hold a licence. There is no legal definition of what constitutes a fit and proper person for the purposes of taxi licensing. However, taxi panel members must be satisfied that based on the information provided to them*

that the applicant or licence holder is suitable to hold a licence and that in holding the licence the public will be safe with that individual'.

- At Section 4.5.5. of the policy the Panel considered the following factors when determining if the applicant is a fit and proper person.
 - *Criminality – through the Disclosure Barring Service checks*
 - *Standard of driving/driving ability*
 - *General conduct/standards of behaviour*
 - *The conduct of the applicant in making their application – have they been honest and acted with integrity throughout the application process*
 - *Previous licensing history of existing or former licence holders – within this authority or at other licensing authorities*
 - *Knowledge and understanding of requirements of a licensed driver*

- At Section 11.3.1 (Fitness and Propriety) the policy states '*Applications will only be granted where the council is satisfied that the applicant is a fit and proper person to hold a licence. In order to determine the applicant's fitness the consideration will included but not limited to the following:*
 - *Criminal record (including convictions, cautions, warnings and reprimands),*
 - *Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity,*
 - *Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by East Northamptonshire Council),*
 - *Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)'*

The reasons for the decision are as follows:

1. The Applicant's dishonesty, in so far as, not completing the application form accurately.
2. Failure by the applicant to disclose the convictions and also any penalty points.
3. Evidence of blatant disregard for the law and ENC's Licensing Policy.

4. The Panel were of the view that the applicant was evasive in his responses to questions posed by the Panel.
5. Following the decision reached at the Panel Hearing held on 18 January 2016, this Panel could not detect any improvement in the Applicant's approach, and thereby failed to demonstrate any regard to the reasons outlined in that decision notice. The Panel had grave concerns that the Applicant continues to show total disregard for the law, ENC's Policies and Procedures.

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 B Jenney

22 August 2019