

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 08 June 2020

Venue: Virtual Meeting

Time: 10.00am

Present: Councillors: -

**Glenvil Greenwood-Smith
Barbara Jenney
Lee Wilkes**

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

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

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

No declarations of interest were made.

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 paragraph 1 of Schedule 12A of the Local Government Act 1972, may be disclosed.

5. CONSIDERATION OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

(The Applicant was in remote attendance at the Hearing)

The Licensing Enforcement Officer reported that an application for a Hackney Carriage and Private Driver's Licence had been received on 31 January 2020. As the Applicant had received a number of 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 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 Criminal Records Policy
- ENC Taxi Licensing Policy
- Verbal evidence from the applicant
- Legal advice from the ENC's legal officer

It is the duty of the Panel to determine the application on the balance of probabilities.

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

The Panel noted that at Section 4 of the application form where asked "*Have you ever received any Fixed Penalty Notices? If 'Yes', please give full details*", the Applicant had written SP30 02/12/08. The Panel also noted that at Section 7 of the application form, the applicant had written 8.09.1992 Offence A, B, H; also 9.01.07 Offence using threatening, abusive, insulting words or behaviour.

The Panel asked questions in relation to above Section 4 and 7 and felt that the Applicant answered the questions satisfactorily.

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 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 6. The Panel also considered ENC's Taxi Licensing Policy in particular Section 4.5.1. and Section 4.5.2. The Panel noted that the applicant has been free of any further convictions since 2008.

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.

Having considered these key provisions the Panel were satisfied that the Applicant is a fit and proper person within the scope of the Licensing Policy.

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 Licence Holder that any breaches of ENC's Licensing Policies or misconduct may result in the licence being suspended or revoked.

The Panel would further remind the Applicant that the Taxi profession is an exempt profession under the Rehabilitation of Offenders Act 1974 and that all convictions are

never spent by virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002. The Panel advised the Applicant that DBS checks would be carried out on a regular basis in line with ENC's Licensing Policy.

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: 02 July 2020

Venue: Virtual Meeting

Time: 10.00am

Present: Councillors: -

**Richard Gell
Bert Jackson
Gill Mercer**

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

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

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

No declarations of interest were made.

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 paragraph 1 of Schedule 12A of the Local Government Act 1972, may be disclosed.

5. CONSIDERATION OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE

(The Applicant was in attendance at the Hearing)

The Licensing Enforcement Officer reported that an application for a Hackney Carriage and Private Driver's Licence had been received on 12 March 2020. As the Applicant had received a previous caution, 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 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 Criminal Records Policy
- ENC Taxi Licensing Policy
- Verbal evidence from the applicant
- Legal advice from the ENC's legal officer

It is the duty of the Panel to determine the application on the balance of probabilities.

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

The Panel noted that at Section 4 of the application form where asked "*Have you ever received any Fixed Penalty Notices? If 'Yes', please give full details*", the Applicant had written 3 points speeding (40mph zone). In Section 5 of the application form where asked "*Have you ever received a caution*". The Applicant had answered No. The Panel also noted that at Section 7 of the application form, where asked "*Please give details of all convictions and cautions no matter how old they are*" the Applicant had left the box blank and had not entered any information. However, the DBS certificate showed the Applicant had, on 30 August 2005, received a caution from Northamptonshire Police regarding an Assault Occasioning Actual Bodily Harm which had took place on 4 June 2005.

The Panel noted that the Applicant had given further information regarding his caution in the Supplementary Information on Criminal Records History form.

The Panel asked questions in relation to above Sections 4, 5 and 7 and felt that the Applicant answered the questions satisfactorily.

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 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 6. The Panel also considered ENC's Taxi Licensing Policy in particular Section 4.5.1. and Section 4.5.2. The Panel noted that the Applicant has been free of any further convictions or cautions since 2005.

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.

Having considered these key provisions the Panel were satisfied that the Applicant is a fit and proper person within the scope of the Licensing Policy.

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 Licence Holder that any
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breaches of ENC's Licensing Policies or misconduct may result in the licence being suspended or revoked.

The Panel would further remind the Applicant that the Taxi profession is an exempt profession under the Rehabilitation of Offenders Act 1974 and that all convictions are never spent by virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002. The Panel advised the Applicant that DBS checks would be carried out on a regular basis in line with ENC's Licensing Policy.

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: 06 July 2020

Venue: Virtual Meeting

Time: 10.00am

Present: Councillors: -

Dorothy Maxwell
Andy Mercer
Geoff Shacklock

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

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

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

No declarations of interest were made.

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 paragraph 1 of Schedule 12A of the Local Government Act 1972, may be disclosed.

5. CONSIDERATION OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE

(The Applicant was in attendance at the Hearing)

The Licensing Enforcement Officer reported that an application for a Hackney Carriage and Private Driver's Licence had been received on 13 February 2020. As the Applicant had received 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 East Northamptonshire Council's Licensing Enforcement Officer
- The application form for Hackney Carriage/Private Hire Driver's Licence
- Driver & Vehicle Licensing Agency 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
- Legal advice from the ENC's legal officer

It is the duty of the Panel to determine the application on the balance of probabilities.

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

The Panel noted that at Section 4 of the application form where asked "*Have you ever received any Fixed Penalty Notices? If 'Yes', please give full details*", the Applicant had ticked Yes and written Spent. In Section 5 of the application form where asked "*Have you ever received a caution*". The Applicant had answered Yes, cautioned for cannabis possession. The Panel also noted that at Section 7 of the application form, where asked "*Please give details of all convictions and cautions no matter how old they are*" the Applicant had written Convicted and fined £120.00 for cannabis possession. However, the Applicant's DBS information showed no convictions recorded.

The Panel noted that the Applicant had given further information regarding his caution in the Supplementary Information on Criminal Records History form. The Licensing Enforcement Officer had contacted the Information Unit at Northamptonshire Police regarding the supplementary information and they confirmed the only matter on the Police PNC records is as stated by the Applicant which occurred on 24 October 1998.

The Panel asked questions in relation to above Sections 4, 5 and 7 and felt that the Applicant answered the questions satisfactorily.

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 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 Sections 4.6 and 9.0.6. The Panel also considered ENC's Taxi Licensing Policy in particular Section 4.5.1. and Section 4.5.2. The Panel noted that the Applicant has been free of any further convictions or cautions since 1998.

The Panel also noted that the Applicant had had fixed penalties for speeding and bus lane incursions. However, these were also decades ago and no longer relevant.

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.

Having considered these key provisions the Panel were satisfied that the Applicant is a fit and proper person within the scope of the Licensing Policy.

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, and the Criminal Records Policy with particular reference to Section 9. Further, the Panel would like to warn the Licence Holder that any breaches of ENC's Licensing Policies or misconduct may result in the licence being suspended or revoked.

The Panel would further remind the Applicant that the Taxi profession is an exempt profession under the Rehabilitation of Offenders Act 1974 and that all convictions are never spent by virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002. The Panel advised the Applicant that DBS checks would be carried out on a regular basis in line with ENC's Licensing Policy.

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