

**Consideration by East Northamptonshire Council of a Hackney Carriage  
and Private Hire Drivers Licence  
Monday 11 November 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 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
- Verbal evidence from ENC's Licensing Enforcement Officer
- 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 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 wrote 'over 5 years ago', but did not give any indication of the offence. The Panel also noted that at Section 5 of the application form, where asked '*have you ever received a caution? If 'Yes', please give full details*': The applicant had written 4 June 2003 – Affray – Warwickshire Police'.

The Applicant's DBS certificate showed details of the caution. The Panel asked questions in relation to this item and others 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 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 6.0.1 and Section 6.0.3. 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 2003.

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 applicant that any future 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 – Councillor H Howell

11 November 2019