

## LICENSING (TAXI AND MISCELLANEOUS) PANEL

**Date:** 09 November 2020

**Venue:** Virtual Meeting

**Time:** 10.00am

**Present:** Councillors: -

**Richard Gell  
Bert Jackson  
Lee Wilkes**

### 1. APPOINTMENT OF CHAIRMAN

#### RESOLVED:

That Councillor Lee Wilkes 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 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 LICENCE

The Licensing Enforcement Officer reported that an application for a Hackney Carriage and Private Driver's Licence had been received on 16 September 2020. As the Applicant had received a number of previous convictions, the application was required to be considered by a Panel.

The Applicant was not able to attend the Hearing due to work commitments and had requested that the Hearing be held in his absence. He had submitted a statement for the Panel to consider. The Panel agreed to hold the Hearing in the Applicant's absence.

Having 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 a Hackney Carriage/Private Hire Driver's Licence
- Emailed statement from the Applicant
- Supplementary Information on Criminal Records
- Local Government (Miscellaneous Provisions) Act 1976
- ENC Criminal Records Policy
- ENC Taxi Licensing Policy
- 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 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 "approximately 27 years ago prison on 2 occasions." However, the Applicant's DBS information showed two recorded convictions.

The Panel noted that the Applicant had given further information 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 stated that there is no historic information on their PNC system regarding the applicant and could not give any further information regarding the prison convictions. The Information Unit confirmed that there have not been any convictions since the 1990's.

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 Sections 8.0.2. which states "In general, a maximum period of 5 years free of conviction or at least 5 years must have passed since the completion of sentence before granting a licence. Offences involving dishonesty include theft of any similar offence". The Panel noted that the Applicant has been free of any further convictions or cautions since 1996.

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**