

Licensing Panel

At 10:00am on Wednesday 31 August 2022

Held in the Council Chamber, Cedar Drive, Thrapston

Present:

Members

Councillors Jonathan Ekins (Chair), Jennie Bone (Vice Chair) and Anne Lee

Officers

Amanda Wilcox, Interim Environmental Health Manager

Rita Grove, Licensing Enforcement Officer

Emma Matthews, Licensing Compliance Officer

Ruksana Munir, Legal Advisor

Louise Tyers, Senior Democratic Services Officer

1 Apologies for non-attendance

It was noted that Councillor Jonathan Ekins had replaced Councillor Dorothy Maxwell as a member of the Panel.

2 Members' Declarations of Interest

There were no declarations of interest.

3 Exclusion of the Press and Public

RESOLVED:

That in accordance with section 100A (4) of the Local Government Act 1972 the press and public will be excluded from the meeting during consideration of the following items on the grounds that they would involve the likely disclosure of exempt information of the description shown in schedule 12A to the Act.

4 Application to Consider Whether to Renew a Private Hire Drivers Licence

The applicant was present and was accompanied.

The Interim Environmental Health Lead introduced the report which asked the Panel to consider whether to renew a Private Hire driver's licence.

RESOLVED:

That, on a balance of probability, the driver is not a fit and proper person to be licenced to drive a Private Hire vehicle and ought therefore not to be licenced. The Panel has therefore decided to not renew the licence.

Reasons for decision

The Panel took into consideration:

- Local Government (Miscellaneous Provisions) Act 1976
- The Institute of Licensing's Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades
- The report from the Interim Environmental Health Lead on behalf of the Council
- The application form to renew the Private Hire Driver's Licence
- Verbal evidence from the applicant.

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 licence expired on 31st August 2022 and the application for a new licence has been refused.

The licence holder is not a fit and proper person to hold a licence as he has received 9 points within an 18-month period and failed to notify the Council of each endorsement. He confirmed that he had also attended a speed awareness course during this period.

It was the decision of the Panel that the primary duty of public protection must remain at the forefront of their decision.

The Panel resolved to refuse to renew the private hire driver's licence. The applicant has a right of appeal within 21 days from receiving the decision to the Magistrates Court if they are aggrieved by this decision.

5 Consideration of Fitness of Individual to Continue to Hold a Hackney Carriage & Private Hire Driver Licence

The licence holder was present.

The Licensing Enforcement Officer introduced the report which asked the Panel to consider whether the driver was a fit and proper person to continue to hold a Hackney Carriage and Private Hire driver's licence.

RESOLVED:

That, on a balance of probability, the driver is not a fit and proper person to be licenced to drive a Hackney Carriage and Private Hire vehicle and ought therefore not to be licenced. The Panel has therefore decided to revoke the licence with immediate effect.

Reasons for decision

The Panel took into consideration:

- Local Government (Miscellaneous Provisions) Act 1976
- The Institute of Licensing's Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades
- The report from the Licensing Enforcement Officer on behalf of the Council
- Verbal evidence from the licence holder.

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.

As a Hackney Carriage and Private Hire Driver, the licence holder behaved in an abusive, aggressive and threatening manner towards officers of the Council. This incident was so serious that witnesses felt that they would not wish to be passengers in a taxi with him. On the balance of probability, they accepted that this was not the first time the licence holder has been abusive to Council staff.

The Panel made the unanimous decision that the licence holder was no longer a fit and proper person to hold a licence and immediate revocation was necessary to protect the public.

The licence holder has a right of appeal within 21 days from receiving this decision to the Magistrates Court if they are aggrieved by this decision.

6 Close of Meeting

The meeting closed at 11.40am.

Chair

Date