

## **Minutes of a meeting of the Licensing Panel**

At 2.00 pm on Tuesday 19th July, 2022 in the  
Council Chamber, Municipal Offices, Bowling Green Road, Kettering, NN15 7QX

### **Present**

#### Members

Councillor Jonathon Ekins (Chair)  
Councillor Jennie Bone (Vice-Chair)  
Councillor Lee Wilkes

#### Officer

Tony Johnson – Legal Representative  
Catriona Miles – Environmental Health Officer  
Eden Palmer – Committee Administrator

### **1 Apologies for Non-Attendance**

Apologies were received from Russ Howell, with Catriona Miles attending in his place.

### **2 Member Declarations of interest**

None

### **3 Notifications of requests to address the meeting**

None

### **4 Exclusion of the Press and Public**

The public are likely to be excluded during the following item of business in accordance with Section 100(A) of the Local Government Act 1972:

### **5 To consider a private hire driver licence where the holder has road traffic convictions within the life of the licence**

Mr Amoakohene was accompanied to the meeting by Mr Anthony Schiller. The panel heard from Catriona Miles who presented a report from the Licensing Authority. The report was brought before the committee to consider road traffic convictions that the Authority had been made aware of during the life of the licence. It included details of road traffic convictions received by a licensed private hire driver which the licence holder had failed to notify the Authority, in accordance with the licence conditions. The Panel hear that Mr Amoakohene had received two fixed penalty notices (FPNs) for exceeding the statutory speed limit on a public road, resulting in the licence holder being endorsed with 3 points for each offence, cumulating 6 points in total.

Catriona advised the panel that taxi drivers are expected to act as professional drivers, and asked the committee to consider what action, if any, to take.

Mr Schiller advised of a few discrepancies in the report. One of these was that whilst Mr Amoakohene had moved employment, he had not actually moved private hire companies. Mr Schiller also advised that Mr Amoakohene had only needed to fill out forms for his licence once, when applying, wherein Mr Amoakohene had received help in completing these forms, and has since sought out assistance in completing forms relating to his licence.

The panel heard about Mr Amoakohene's background, explaining that whilst he can speak English, there are still some technical aspects that he struggles with and requires assistance with. The panel also heard that Mr Amoakohene had completed over 150,000 miles in the application of his duty.

Mr Schiller advised the panel that as Mr Amoakohene is fully aware of his duties and responsibilities, though Mr Amoakohene had wrongly believed that he had to disclose these convictions to the Authority when he next filled out his licence forms, rather than at the time of the conviction. In addition, Mr Amoakohene had complied with all other conditions of his licence. It is the representation from Mr Amoakohene and Mr Schiller that on the balance of probability Mr Amoakohene has been an exemplary driver with this one mistake on his record.

The panel were advised from Mr Schiller that to suspend or revoke the licence would be a disproportionate response to this situation.

Mr Amoakohene was asked whether he had attended a speed awareness course. Mr Amoakohene advised he had attended a speed awareness course in 2017 for driving at 50mph in a 40mph zone but this was due to a temporary speed limit reduction for construction work. This, Mr Schiller advised, was 2 years before Mr Amoakohene became a taxi driver.

Mr Amoakohene was asked why, in the first offence, he decided to not reduce his speed to get away from the lorry which was allegedly throwing stones from the rear of the vehicle. Mr Schiller advised that it was legal to overtake a vehicle emitting stones from the rear, including exceeding the speed limit. He also advised that there was a string of traffic behind Mr Amoakohene at the time and slowing down would have inconvenienced that traffic. Mr Amoakohene advised he did not know the specific road he was on at the time.

Mr Amoakohene was then asked to provide an excuse for the second offence, which was committed in Corby. Mr Amoakohene advised that he was using an out-of-date satellite navigation system which had an incorrect speed limit showing on the screen. It was advised that Mr Amoakohene had since updated his Sat Nav system, so this would not happen again.

The panel asked Mr Amoakohene why he said that the need to disclose his speeding offence to the Authority had "slipped his mind" in interview, when earlier in the hearing he had advised that it was a misunderstanding of his duties and responsibilities. Mr Schiller advised that Mr Amoakohene was aware that he needed to advise the Authority of his offence, however he had misunderstood when this notification was required. The panel heard that he is now fully aware.

The panel advised Mr Amoakohene of the values that are required of taxi drivers by the Authority, and that the duty of the panel is to determine whether Mr Amoakohene is a fit and proper person to carry out his duties as a taxi

driver. Concerns were raised that Mr Amoakohene had signed his forms to say he fully understood his responsibilities, yet the Panel had noted that he received assistance in completing these.

Further concerns from the Panel were that within 4 years Mr Amoakohene had 3 separate speeding offences, however Mr Schiller advised the Panel that Mr Amoakohene's honesty had been forthcoming in admitting, in front of the panel, of the first offence resulting in the speed awareness course.

Members of the panel questioned whether Mr Amoakohene understood other responsibilities and byelaws. Mr Schiller advised that the Panel can only deliberate on Mr Amoakohene's performance and that he had not broken any other byelaws.

The panel were advised that Mr Amoakohene was by himself at the time of the interview and had no other representation. Catriona explained that to the best of her knowledge Mr Amoakohene understood the questions being asked of him at the interview.

The panel voted unanimously to suspend the licence holder's licence for 21 days for the following reasons:

- The Panel heard the evidence provided by Catriona Miles, Environmental Health Officer, who read the licensing report.
- Mr Schiller then made representations on behalf of Mr Amoakohene.
- He stated that Mr Amoakohene admitted the contraventions but that they were minor in the scheme of things.
- Mr Amoakohene drove > 75,000 miles per annum and thus 2 offences over the time since he had received his licence were minor in the round.
- He stated that Mr Amoakohene was contrite and would ensure that no such failings would be made in the future.
  
- The Panel, having considered all of the evidence and representations, unanimously decided to suspend Mr Amoakohene's licence for a period of 3 weeks.
  
- Mr Amoakohene stated at interview that he understood that he should have reported the offences at the time and that he had not reported them was because it had slipped his mind. On that basis he clearly understood his duty to report the offences.
  
- The Panel felt that as there were 2 separate offences that he had failed to report, there had to be a suitable sanction applied to ensure no repetition.
  
- The period of the suspension was carefully considered (as was whether a warning letter would be appropriate). It was considered that the period represented an appropriate sanction and was proportionate on all the facts.

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Chair

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Date

The meeting closed at 4.00 pm