

Minutes of a meeting of the Licensing Panel

At 10.00 am on Wednesday 29th June, 2022

Held in the Council Chamber, Cedar Drive, Thrapston

Present:

Members

Councillors Barbara Jenney, Lora Lawman and Dr Anup Pandey

Officers

Damian Wilkins, Health Protection Manager

Louise Delavaloire, Legal Advisor

Louise Tyers, Senior Democratic Services Officer

1 Election of Chair

RESOLVED:

That Councillor Barbara Jenney be appointed Chair for the Panel.

2 Apologies for Non-Attendance

There were no apologies for non-attendance.

3 Members' Declarations of Interest

There were no declarations of interest.

4 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.

5 Fitness of Individual to continue to hold a Hackney Carriage Driver's Licence

The licence holder was not present or represented.

The Health Protection Manager 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 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 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 Council's Taxi and Private Hire Conditions of Licensing (Corby Area)
- The Council's Criminal Records Policy
- The report from the Health Protection Manager on behalf of the Council

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 consider that a valid Group 2 Medical Examination is a fundamental requirement in establishing compliance with the conditions of the licence. The driver has not responded to the Council's efforts to engage with him and provide the information. It has since been established that the driver has moved from that property, but no forwarding address has been provided in accordance with the conditions of the licence.

The Panel has considered that the medical examination became due during Covid restrictions, however it is deemed that sufficient time has passed to allow this to become obtained.

The Sub-Committee 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, as it is the responsibility of the licenced driver to comply with the conditions of their licence, no and is sufficient to allow the Panel to revoke the licence.

6 Fitness of Individual to continue to hold a Hackney Carriage Driver's Licence

The licence holder was not present or represented.

The Health Protection Manager 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 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 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 Council's Taxi and Private Hire Conditions of Licensing (Corby Area)
- The Council's Criminal Records Policy
- The report from the Health Protection Manager on behalf of the Council

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 consider that a valid Enhanced Criminal Records Disclosure is a fundamental requirement in establishing whether someone is a fit and proper person. The driver has not responded to the Council's efforts to engage with him and provide the information.

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, without knowledge of his criminal records, no and was sufficient to allow the Panel to revoke the licence.

7 Fitness of Individual to continue to hold a Private Hire Driver's Licence

The licence holder was not present or represented.

The Health Protection Manager introduced the report which asked the Panel to consider whether the driver was a fit and proper person to continue to hold 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 revoke the licence with immediate effect.

Reasons for decision

The Panel took into consideration:

- Local Government (Miscellaneous Provisions) Act 1976
- The Council's Taxi and Private Hire Conditions of Licensing (Corby Area)
- The Council's Criminal Records Policy
- The report from the Health Protection Manager on behalf of the Council

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 consider that a valid Group 2 Medical Examination is a fundamental requirement in establishing compliance with the conditions of the licence. The driver has not responded to the Council's efforts to engage with him and provide the information. The driver has since contacted the Health Protection Manager by telephone to advise that he has retired and no longer requires a licence.

The Panel decided that as the driver has informed that he will no longer be driving that it is reasonable to revoke the licence.

8 Close of Meeting

The meeting closed at 10.35am.

Chair

Date