

Minutes of a meeting of the Licensing Sub-Committee

At 2.00 pm on Thursday 29th July, 2021 in the

Council Chamber, Municipal Offices, Bowling Green Road, Kettering, NN15 7QX

Present:-

Members

Councillor Jennie Bone (Chair)

Councillor Barbara Jenney

Councillor Anne Lee

Officers

Russ Howell – Health Services Manager

Louise Delavaloire – Legal Representative

David Pope – Senior Committee Administrator

1 Apologies for absence

There were no apologies for absence.

2 Members' Declarations of Interest

No declarations were received.

3 Notifications of requests to address the meeting

The panel received details of the representatives acting on behalf of the licence applicant (Agenda Item 5) and the licence holder (Agenda Item 6).

4 Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the remainder of the meeting on the grounds that it involved items of business that included the likely disclosure of exempt information relating to individuals as defined by paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

5 To consider Hackney Carriage Driver and Private Hire Driver Licence renewals where a complaint has been received

The Committee was requested to consider an application for the renewal of a Private Hire Driver's Licence and Hackney Carriage Driver's Licence where a complaint had been received against the applicant, who had been a licence holder with the authority at the time of the complaint.

Details of the report were provided, and the applicant attended the meeting to provide further evidence to the Committee alongside his representative from Metro Taxis.

The committee heard that a complaint had been received from a member of the public with supporting photographic evidence supplied identifying the then licence holder as being parked in a dangerous manner whilst operating a licenced vehicle. The photographic evidence showed the vehicle parked and obstructing a pedestrian crossing close to the entrance of Buccleuch Academy, Kettering.

In addition, following the complaint, an interview had taken place between the then licence holder and a Council Health Protection Officer. At that interview it was noted that the holder had failed to notify the authority of a change of address that had resulted in him failing to receive important correspondence including the suspension of one of his licences. Furthermore, an SP30 speeding conviction obtained in 2018 had not been notified to the authority in contravention of the conditions of the taxi licence.

The applicant accepted that he had caused an obstruction with his parking that had resulted in a complaint, but his decision to park at that location had been at the behest of his passenger. The applicant also acknowledged that he had failed in his duties to inform the authority of his change of address and the speeding conviction but stated that it was a result of a genuine misunderstanding.

Following consideration, it was

RESOLVED The Committee has heard from the applicant, his representative Mr Wahid as well as the Council's Health Services Manager and legal representative.

The Committee considers that the driving standards that are detailed in the officer report fell well below those expected of a professional licenced taxi driver. The Committee also considered the further issues of failure to inform the council of a change of address and a speeding offence and gave weight to these.

The panel have considered the public complaint made regarding the applicant's standard of driving and considers that this falls below the standards expected of a professional licenced taxi driver.

Therefore, the panel has made a unanimous decision not to renew your Hackney Carriage or Private Hire Drivers' Licence. You have the right of appeal to the Magistrates' Court within 21 days.

6 To consider a Private Hire Driver's Licence where the licence holder has convictions

The Committee was requested to consider a Private Hire Driver's Licence where the licence holder had convictions.

Details of the report were provided, and the applicant attended the meeting to provide further evidence to the Committee alongside his representative from Premier Taxis.

The panel heard that the licence holder had contacted the authority in March 2021 to advise of a recently obtained speeding conviction. A DVLA check was undertaken to

confirm details of the offence and had revealed a total of three SP30 speeding convictions between October 2018 and January 2021.

The licence holder's representative stated that these convictions had occurred prior to the holder being granted a Private Hire Driver's Licence with the authority. It was confirmed that an application for a Private Hire Driver's Licence had been submitted to the authority prior to the first of these convictions and the licence holder had a duty to inform the authority within 14 days of any conviction and had failed to do so.

It was further noted that the licence holder had been before a Licensing Sub-Committee in September 2019 and had failed to declare the two speeding convictions he had accrued at that point.

The panel, when considering the weight to attach to the failure to notify the authority of speeding convictions, referred to the authority's policy on such matters whereby any applicant with seven or more points on their DVLA driving licence would not have a taxi licence granted until five years had elapsed since the completion of any sentence imposed.

Following consideration, it was

RESOLVED The Committee has heard from the licence holder's representative Mr Kumra in the presence of the licence holder, as well as the Council's Health Services Manager and legal representative.

The panel has had regard to the authority's policy on speeding convictions whereby an applicant with seven or more points on their DVLA driving licence would not be granted a taxi driver's licence until a period of five years had elapsed since the latest offence expired.

The panel is of a view that the licence holder would have been aware of the speeding offences at the time he came before a previous panel on 16th September 2019.

It is a unanimous decision that the panel revokes the licence holder's Private Hire Driver's Licence in accordance with the authority's policy on speeding convictions due to the accumulation of nine penalty points since October 2018. You have the right of appeal to the Magistrates' Court within 21 days.

7 Close of Meeting

The meeting closed at 15:15.

Chair

Date