

## **Minutes of a Reconvened Meeting of the Licensing Panel**

At 10.00am on Monday 6 November 2023

Held in the Council Chamber, Cedar Drive, Thrapston

### **Present:**

#### **Members**

Councillors Jonathan Ekins (Chair), Jennie Bone and Geoff Shacklock

#### **Officers**

Rita Groves, Licensing Enforcement Officer

Louise Delavaloire, Legal Advisor

Louise Tyers, Senior Democratic Services Officer

### **1 Apologies for non-attendance**

There were no apologies for non-attendance.

### **2 Members' Declarations of Interest**

There were no declarations of interest.

### **3 Exclusion of Press and Public**

#### **RESOLVED:**

That in accordance with section 100(a) 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 Part 1 of Schedule 12A to the Act.

### **4 Consideration of the Fitness of an Individual to Continue to Hold a Hackney Carriage and Private Hire Driver's Licence**

*The licence holder and his legal representative were not present.*

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

A request had been received from the licence holder's legal representative for the meeting to be adjourned as both he and the licence holder were unable to attend. The Panel considered the request but agreed to continue with the hearing in their absence.

An additional witness statement had been provided and the Panel viewed two videos which had been provided as evidence.

The meeting adjourned at 10.10am and reconvened at 10.20am

## **RESOLVED:**

That the licence holder is no longer a fit and proper person to continue to hold a Hackney Carriage and Private Hire Driver Licence. The Hackney Carriage and Private Hire Driver Licences are revoked with immediate effect on public safety grounds.

### 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.

It is the duty of the Panel to determine the application on the balance of probabilities.

The Panel considered correspondence from the legal representative for the licence holder stating that the date for this Panel was not a convenient date for the licence holder or his representative to attend. The Panel considered that the licence holder had been offered a range of dates to attend before the Panel and that the concern for the travelling public required the Panel to proceed and make a decision on whether the licence holder remains a fit and proper person to hold a licence.

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 concluded that the video footage submitted clearly demonstrated what was being alleged in the complaints and witness statements provided.

The licence holder had repeatedly used his mobile phone during the journey. His actions had caused such concern to the minors in his vehicle they felt the need to record his behaviour so that they could report it.

The Panel considered the fact that using a mobile phone whilst driving and even whilst stationary at traffic lights is a criminal offence. Whilst it is not the purpose of the Panel to find criminality, the fact there is evidence of a criminal offence supports the Panel in considering the severity of the licence holder's actions and the potential risk to the travelling public and other road users.

The Panel considered that the licence holder showed no regard for the law, for North Northamptonshire's Hackney Carriage and Private Hire Licensing Policy or for his duty as a Driver towards the travelling public.

The Panel asked the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence. (Department for Transport Statutory Taxi & Private Hire Vehicle Standards July 2020)

The Panel unanimously answered 'No' to the question and concluded:

That the licence holder is no longer a fit and proper person to continue to hold a Hackney Carriage and Private Hire Driver Licence. The Hackney Carriage and Private Hire Driver Licences are revoked with immediate effect on public safety grounds.

**5 Close of Meeting**

The meeting closed at 10.25am.

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Chair

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Date