

Minutes of a meeting of the Licensing Panel

At 10.00 am on Thursday 10th October, 2024

Held in the Council Chamber, Cedar Drive, Thrapston, NN14 4LZ

Present:-

Members

Councillors Jennie Bone, William Colquhoun and Dorothy Maxwell

Officers

Rita Groves, Licensing Enforcement Officer

Maddy Homer, Legal Advisor

Louise Delavaloire, Observer

Louise Tyers, Senior Democratic Services Officer

1 Election of Chair

RESOLVED:

That Councillor Jennie Bone be appointed Chair for this 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 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.

5 Consideration of the fitness of an individual to continue to hold a Private Hire Driver Licence (MD)

The licence holder was present.

The Licensing Enforcement Officer introduced the report which asked the Panel to consider whether the applicant was a fit and proper person to continue to hold a Private Hire Driver Licence.

RESOLVED:

That the licence holder is no longer a fit and proper person to continue to hold a Private Hire Driver Licence and that the licence is revoked with immediate effect.

Reasons for Decision

In reaching the decision the Panel took into consideration:

- (i) The report and exhibits presented by Rita Groves for North Northamptonshire Council.
- (ii) The representations made by the licence holder
- (iii) The provisions of the Local Government (Miscellaneous Provisions) Act 1976.
- (iv) North Northamptonshire Council's Hackney Carriage and Private Hire Licensing Policy ["the Policy"]

The Panel considered the relevant sections of the Policy applicable to their considerations including:

5.0.9: All drivers must satisfy the Council that they are a fit and proper person to hold a Hackney Carriage, Private Hire Driver or dual licence. Once the licence has been granted, they must remain a fit and proper person throughout the duration of the licence. The fitness and propriety of the licensed driver will be monitored and assessed throughout the licence period. Where licence holders have contravened any licence conditions, or any other complaints; criminal behaviour; medical fitness; or other concerns are brought to the attention of the Council, or where their continued fitness and propriety is called into question the matter may be referred to the Licensing Sub Committee for consideration.

5.4 The Policy also states at 5.7.4: Where convictions and cautions have been imposed on a current licensed driver, or they are under a live investigation by the Police, the licence holder may be referred to the Licensing Sub Committee for review, in order to determine whether they remain a fit and proper person to continue to hold the licence.

*5.5 Appendix A - Criminal Convictions and Suitability Policy states at 2.18: The following types of offence will be viewed as serious:
c. Alcohol Related Offences.*

The Panel considered that the licence holder's arrest and charge for driving after consuming excess limits of alcohol was conduct that fell below that expected from a Private Hire Licence Holder.

The Panel expressed that the safety of the travelling public is their paramount concern and after considering the evidence presented concluded that on a balance of probabilities the licence holder was a risk to public safety.

To ensure public safety the panel apply the 'fit and proper person' test set out at 5.4.2 of the policy:

“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?”

The Panel unanimously answered ‘No’ and therefore decided to revoke the licence holder’s Private Hire Driver Licence with immediate effect.

The Panel’s decision is reasonable and proportionate in the circumstances and based on the evidence before it with public safety at the forefront of its decision making.

6 Consideration of the fitness of an individual to continue to hold a Dual Hackney Carriage and Private Hire Driver Licence (MO)

The licence holder was 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 Dual Hackney Carriage and Private Hire Driver Licence.

RESOLVED:

- (i) That the licence holder remains a fit and proper person to continue to hold a Dual Hackney Carriage and Private Hire Driver Licence.
- (ii) That 4 points be placed on the licence holder’s licence for the duration of the licence period.

Reasons for Decision

In reaching the decision the panel took into consideration:

- (i) The report and exhibits presented by Rita Groves for North Northamptonshire Council.
- (ii) The representations of the licence holder
- (iii) The provisions of the Local Government (Miscellaneous Provisions) Act 1976.
- (iv) North Northamptonshire Council’s Hackney Carriage and Private Hire Licensing Policy [“the Policy”]

The Panel considered the relevant sections of the Policy applicable to their considerations including:

5.0.9: All drivers must satisfy the Council that they are a fit and proper person to hold a Hackney Carriage, Private Hire Driver or dual licence. Once the licence has been granted, they must remain a fit and proper person throughout the duration of the licence. The fitness and propriety of the licensed driver will be monitored and assessed throughout the licence period. Where licence holders have contravened any licence conditions, or any other complaints; criminal behaviour; medical fitness; or other concerns are brought to the attention of the Council, or where their continued fitness and propriety is called into question the matter may be referred to the Licensing Sub Committee for consideration.

The North Northamptonshire Council Hackney Carriage and Private Hire Licensing Policy states in Appendix B – Private Hire and Dual Licence Driver Conditions at 2.5: The driver must notify the Council in writing, within seven days of being engaged or employed to drive a private hire vehicle, of the name of the proprietor (licensee) of the vehicle, the operator of the vehicle (if different) and the date when such engagement or employment commenced. The driver must also notify the Council in writing within seven days of any termination of engagement or employment with an operator.

The Licensing policy Appendix G – Penalty Points System states: Hackney carriage and/or private hire driver failing to keep the Council informed within 7 days of the Operator he/she is working for - 4 Points

The Panel acknowledged that no offence had been committed in relation to the expired private hire vehicle plates, but the Panel did consider that the licence holder's conduct fell below the level expected of a Hackney carriage and Private Hire Licence Holder in not complying with the conditions of his licence as required by the North Northamptonshire Council Hackney Carriage and Private Hire Licensing Policy.

The Panel unanimously decided to apply 4 Penalty Points for the duration of the licence holder's Hackney Carriage and Private Hire Drivers Licence and strongly recommended that the licence holder familiarise himself with the conditions of his licence.

The Panel's decision is reasonable and proportionate in the circumstances and based on the evidence before it with public safety at the forefront of its decision making.

7 Consideration of the fitness of an individual to continue to hold a Dual Hackney Carriage and Private Hire Driver Licence (HC)

The licence holder was not present.

Due to an administrative error, the licence holder had not received the papers for today's Panel. Due to ineffective service of papers, the Licensing Enforcement Officer requested that this item be adjourned to a future meeting. The Licensing Enforcement Officer apologised for the error.

RESOLVED:

To adjourn consideration of this item to a future date.

8 Consideration of the fitness of an individual to continue to hold a Private Hire Driver Licence (PM)

The licence holder was 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 Private Hire Driver Licence.

A request had been received for the consideration of this item to be adjourned to a future meeting. The Panel considered this request but agreed to continue with the Hearing in the licence holder's absence.

RESOLVED:

- (i) To refuse the request to adjourn consideration of this item.
- (ii) That the licence holder is no longer a fit and proper person to hold a Private Hire Driver Licence and that the licence is revoked with immediate effect.

Reasons for Decision

The Panel considered the request for adjournment and unanimously decided not to adjourn due to the severity of the issue and the fact that the licence holder could have made written representations or appointed a representative to appear on his behalf.

Substantive matter for the Panel

In reaching the decision the Panel took into consideration:

- (i) The report and exhibits presented by Rita Groves for North Northamptonshire Council.
- (ii) The provisions of the Local Government (Miscellaneous Provisions) Act 1976.
- (iii) North Northamptonshire Council's Hackney Carriage and Private Hire Licensing Policy ["the Policy"]

The Panel considered the relevant sections of the Policy applicable to their considerations including:

5.0.9: All drivers must satisfy the Council that they are a fit and proper person to hold a Hackney Carriage, Private Hire Driver or dual licence. Once the licence has been granted, they must remain a fit and proper person throughout the duration of the licence. The fitness and propriety of the licensed driver will be monitored and assessed throughout the licence period. Where licence holders have contravened any licence conditions, or any other complaints; criminal behaviour; medical fitness; or other concerns are brought to the attention of the Council, or where their continued fitness and propriety is called into question the matter may be referred to the Licensing Sub Committee for consideration.

5.4 The Policy also states at 5.7.4: Where convictions and cautions have been imposed on a current licensed driver, or they are under a live investigation by the Police, the licence holder may be referred to the Licensing Sub Committee for review, in order to determine whether they remain a fit and proper person to continue to hold the licence.

5.5 Appendix A - Criminal Convictions and Suitability Policy states at 2.18: The following types of offence will be viewed as serious:

f. Possession of or Possession with the Intent to Supply controlled substances.

Table 1: Summary of Institute of Licensing Guidance - guidance on the relevance of arrest, conviction, caution or any other relevant information including complaints and intelligence Conviction for, or relation to the supply of drugs, or possession with intent to supply or connected with possession with intent to supply: 10 years from completion of sentence to licence granted.

The Panel considered that the licence holder's arrest and charge for Possession with Intent to Supply Cocaine was conduct that fell below that expected from a Private Hire Licence Holder.

The Panel considered all the options available to it and concluded that revocation was the only suitable outcome the other sanctions being insufficient to address the Panel's concerns.

The Panel expressed that the safety of the travelling public is their paramount concern and after considering the evidence presented concluded that on a balance of probabilities the licence holder was a risk to public safety.

To ensure public safety the panel apply the 'fit and proper person' test set out at 5.4.2 of the policy:

"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?"

The Panel unanimously answered 'No' and therefore decided to revoke the licence holder's Private Hire Driver Licence with immediate effect.

The Panel's decision is reasonable and proportionate in the circumstances and based on the evidence before it with public safety at the forefront of its decision making.

9 Close of Meeting

The meeting closed at 11.55am.

Chair

Date