

Minutes of a Meeting of the Licensing Panel

At 11.45am on Tuesday 22nd October, 2024

Held in the Council Chamber, Swanspool House, Doddington Road, Wellingborough, NN8 1BP

Present:

Members

Councillors Jennie Bone, Jonathan Ekins and Dorothy Maxwell

Officers

Rita Groves, Licensing Enforcement Officer

Phillipa Bright, Licensing Officer

Maddy Homer, Legal Advisor

Louise Delavaloire, Legal Advisor (observing)

Louise Tyers, Senior Democratic Services Officer

1 Election of Chair

RESOLVED:

That Councillor Jonathan Ekins 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 members' 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 item on the grounds that it 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 Dual Hackney Carriage and Private Hire Driver Licence (HC)

The licence holder was present and was accompanied by his employer.

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 Dual Hackney Carriage and Private Hire Driver Licence be suspended until the successful certified completion of an advanced driving course approved by North Northamptonshire Council.
- (ii) That 8 penalty points be applied to the Licence Holder's Dual Hackney Carriage and Private Hire Driver Licence for 24 months.

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 and their employer
- (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 notify the Council of any cautions, convictions, including any pending convictions or fixed penalties within 7 days of notification. This includes ant Road Traffic offences.

The Council uses the recommendations in the 'Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' when assessing driver suitability to hold a licence. The guidance in this regard states:

4.42 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

The Panel did consider that the licence holder's conduct fell below the level expected of a Dual 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 suspend the licence holder's dual licence until the successful certified completion of an advanced driving course approved by North Northamptonshire Council. The Panel applied 8 penalty points for 24 months to the licence holder's Dual 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.

6 Close of meeting

The meeting closed at 1.05pm.

Chair

Date