

## Minutes of a meeting of the Licensing and Appeals Committee

Held at 2.00 pm on Monday 6th September, 2021 in the Committee Room, Swanspool House, Wellingborough, Northants, NN8 1BP.

### Present:

Members:

Councillor Jonathan Ekins (Chair)  
and Councillor Lora Lawman

Councillor Jennie Bone

### Officers:

Amanda Wilcox (Interim Environmental Health Lead), Matt O'Donnell (Team Leader)  
Louise Delavaloire (Legal Adviser), Carol Mundy, (Senior Democratic Services Officer  
(Committees/Members)) and Emma Robinson, (Democratic Services Support Officer).

## 25 Apologies for non-attendance

## 26 Members' Declarations of Interests

**RESOLVED** to note there were no declarations made.

## 27 Notifications of requests to address the meeting

**RESOLVED** to note that no requests had been received

## 28 Application for a new private hire driver licence (E1 & E2)

The circulated exempt report of the assistant director of regulatory services was received following the submission of an application to North Northamptonshire Council for a private hire driver licence.

The chairman welcomed the applicant and those present introduced themselves. He also explained that the panel's decision-making process would be on the 'basis of probability'.

The Interim Environmental Health Lead, Mrs Wilcox, explained the procedure for the hearing and then presented the report to the sub-committee.

She referenced the application dated 1 July 2021 and explained that the applicant had made a declaration in respect of a previous conviction for causing death by careless driving when unfit through drink, as further detailed in his application, which was appended to the report. Also appended to the report was a copy of the DVLA Driver Licence Check which showed no current endorsements. Mrs Wilcox explained that the DBS disclosure was still awaited from the Disclosure and Barring Service, though the applicant had supplied a copy of a DBS which he had obtained dated 21 January 2021. This detailed several previous convictions between December 1997 and February 2005.

Mrs Wilcox referenced Appendix F – Criminal Records Policy of the Council's (Wellingborough Area) Taxi and Private Hire Conditions of Licensing which stipulates that:

“A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. A licence will not be granted in an applicant has a conviction for:

- Causing death by dangerous driving;
- Causing death by careless driving whilst under the influence of drink or drugs;
- Causing death by careless driving;
- Causing death by driving: unlicensed, disqualified or uninsured;
- Or any similar offences (including attempted or conspiracy to commit) offence which replace the above.”

Mrs Wilcox stressed that it was for the applicant to provide evidence that he was a fit and proper person to be granted a licence, and the safety of the travelling public must be the paramount concern.

The Panel was asked to consider whether there were grounds to depart from policy and grant the applicant a Private Hire Driver Licence with or without additional conditions, or whether the application should be refused.

The chairman thanked Mrs Wilcox for her presentation.

He asked the applicant if since the DBS Enhanced Certificate dated 21 January 2021, there were any further issues the Panel needed to be aware of. The applicant clarified there was nothing further.

The chairman read out the council’s policy for the avoidance of doubt and asked the applicant why he considered the Panel should deviate from the policy.

The applicant explained that he currently had a desk job as a bus and coach maintenance controller and that since the return of his driving licence had driven for a number of bus and coach companies; he was cleared to drive inside the Royal Household in Windsor and had also driven Bedfordshire’s Police and Crime Commissioner. He had been approached by a limousine company to become one of their drivers on a part-time basis, he had informed the company of his conviction but they were keen for him to join their team hence the reason for submitting the application for a private hire driver licence. He understood that he was unlikely to be granted a licence and was aware of the wording in the policy, which clearly stated that he would not be granted a private hire driver licence because of his previous conviction and the loss of life, but wished to stress that he was deeply sorry for what had happened and that he had served a prison sentence of 4 years and 8 months and was embarrassed about his shameful previous behaviour which had culminated in the death of his friend.

The chairman thanked the applicant for his statement and asked fellow councillors if they had any questions of the applicant.

Councillor L Lawman asked for clarification over the sentence he received and the period of imprisonment. The applicant confirmed that he had been

sentenced to five years in prison and that he had been released after 4 years and 8 months. He had been disqualified from driving for eight years.

Councillor L Lawman then asked when his driving licence was returned. The applicant confirmed that he had been disqualified for eight years and had to reapply for his licence and take an extended test and believed it had been returned in April 2013. To enable him to drive larger vehicles he had to sit before the local Traffic Commissioner at Cambridge, which he had done in 2018.

The chairman noted that the applicant had driven the Bedfordshire Police and Crime Commissioner and asked in what capacity. The applicant confirmed that the company he worked for had been given a contract and he had driven the Commissioner in a Sprinter van. He was asked if this had been during working hours or privately and confirmed that it had been partially during his working week and partially when he was on leave operating under an Operator's Licence, not an individual licence.

Mrs Wilcox was grateful for the clarification and accepted that this was permissible.

The chairman asked the applicant if he had anything further, he wished to add. The applicant said there was nothing further.

There being no further questions from members the chairman adjourned the meeting at 2.25pm.

The meeting reconvened at 2.45pm.

The chairman asked the legal adviser to read out the decision and reasons for such decision.

**DECISION:**

**RESOLVED** that the Panel, unanimously decided not to grant the application for a Private Hire Driver Licence.

**REASONS FOR DECISION:**

In reaching its decision, the Panel had regard and took into consideration:

- The report from Amanda Wilcox, Interim Environmental Health Lead;
- Representation from the applicant;
- The Local Government (Miscellaneous Provisions) Act 1976;
- The council's criminal records policy.

The Panel has a duty to make a determination on the balance of probabilities.

The Panel carefully considered the representations made by all parties and gave due regard to all the above documents in reaching its decision.

The council acknowledges that the DBS certificate provided post-application to them is dated January 2021 and that they are not in receipt of the most recent

records. They considered, however, that the information on the January 2021 certificate provided enough information to continue to consider the matter at the meeting.

The Panel is not satisfied that the applicant has provided sufficient mitigation in order to allow the Panel to depart from the Council's Criminal Records Policy and its duty to protect the public prevails.

The legal adviser explained the process should the applicant wish to appeal the decision.

The chairman thanked the applicant for attending the meeting; the applicant left the meeting.

**29 Application to consider revocation, suspension or the attachment of conditions to a private hire driver licence (E1 & E2)**

The chairman was informed that the licence holder had failed to attend the meeting of this Panel. Members agreed that this matter be considered in the absence of the licence holder. There were no members of the public present.

Mrs Wilcox presented the report to the Panel.

She explained that in July 2021 a member of the public had contacted the licensing team to raise concern over the licence holder's eyesight and to also advise of a potential alcohol related incident for which the licence holder had attended hospital. Licensing officers discussed the complaint with the licence holder but there was insufficient evidence to take the matter further at the time.

On 9 August 2021 Northamptonshire Police notified the licensing team of the arrest of the licence holder for a drink-drive offence on 7 August 2021. The licence holder had failed to inform the council of his arrest in accordance with the council's policy.

The licence holder was interviewed on 18 August about these matters and informed the officer that he had a court hearing on 26 August 2021 in respect of his arrest for drink-driving. The witness statement and officer's statement were appended to the report.

The Panel was informed that at the court hearing the licence holder had been disqualified from driving for 12 months from 27 August 2021.

Prior to the court hearing the licence holder had been referred for an independent medical assessment, arranged by licensing officers for 21 August 2021, the findings of the medical practitioner were also appended to the report.

The Panel discussed the information before them and were very concerned over the information provided.

**DECISION:**

**RESOLVED** unanimously to revoke the private hire driver licence.

## **REASONS FOR DECISION:**

In reaching its decision, the Panel had regard to, and took into consideration:

- The report from Amanda Wilcox, Interim Environmental Health Lead;
- The Local Government (Miscellaneous Provisions) Act 1976;
- The Council's Criminal Records Policy;
- The recent medical assessment;
- The extract of the Court hearing of 27 August 2021.

It was the Panel's duty to make a determination on the balance of probabilities.

The Panel carefully considered the representations made by all parties and also gave due regard to all of the above documents in reaching its decision. It is noted that the licence holder did not attend the sub-committee to make representation.

The licence holder failed to inform the council of the arrest that lead to his conviction on 27 August 2021, this being a breach of the licensing conditions.

It is noted that the licence holder was disqualified from driving for 12 months from 27 August 2021.

The medical assessment email dated 23 August 2021 states that the licence holder failed a screening test for cognitive impairment and suspected he may be consuming more alcohol than he declared.

The Panel is therefore not satisfied that the licence holder remains a fit and proper person to hold a Private Hire Driver Licence.

Chair:

Date: