

NORTHAMPTON BOROUGH COUNCIL

TAXI & GENERAL LICENSING COMMITTEE

Tuesday, 11 June 2019

PRESENT: Councillor Flavell (Chair); Councillor Sargeant (Deputy Chair); Councillors Ansell, Beardsworth, Davenport, Duffy, G Eales, Haque, Larratt and Walker

OFFICERS: Louise Faulkner (Licensing Team Leader), Jason Toyne (Licensing Enforcement Officer), Clive Tobin (Licensing & Litigation Solicitor), Ed Bostock (Democratic Services Officer)

1. APOLOGIES

None.

2. MINUTES

The minutes of the meeting held on 23rd April 2019 were agreed and signed by the Chair.

3. DEPUTATIONS/PUBLIC ADDRESSES

None.

4. DECLARATIONS OF INTEREST

None.

5. HOUSE TO HOUSE APPLICATION

The Licensing Team Leader advised that the applicant was unable to attend. It was noted that no new information had been provided by the applicant.

A motion was proposed to refuse the application due to the applicant's non-attendance since Members were unable to garner any further information that they may have required in respect of the application to satisfy themselves of the issues which remained outstanding from the meeting on 23rd April.

The motion was Carried.

RESOLVED:

That the application be **REFUSED**.

6. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

None.

7. EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100I of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such Act.

The Motion was carried and the public and press were excluded on the basis that

information relating to an individual and information which was likely to identify an individual were contained in the report.

8. REVIEW OF PRIVATE HIRE DRIVER'S LICENCE

The Licence Holder was represented by his solicitor.

The Licensing Enforcement Officer outlined the circumstances as set out in the report. The Committee were informed that the Licence Holder, licensed with this authority since July 2015, had been caught by Police and Licensing Officers illegally plying for hire on 27th July 2018.

The Licence Holder had previously come to the attention of the Licensing Department for illegally plying for hire, dangerous driving and displaying his Private Hire Driver plate incorrectly.

In a question relating to the dangerous driving complaint, the Committee were informed that the witness to the incident was likely a member of the public. They noted that the points endorsed on his licence for having no insurance would relate to his personal, not his Private Hire Driver's licence.

The Solicitor, representing the Licence Holder, addressed the Committee and advised that his client did not dispute what was in the report. He explained that the Licence Holder had fixed the issue with how his vehicle plate was displayed as soon as it was highlighted to him. He further advised that his client had only received a caution for this.

In relation to the complaint of dangerous driving, the Solicitor commented that it was a stressful incident during which the Licence Holder had been the subject of racial abuse.

The Solicitor explained to Members their options and the relevant test to be applied; whether the licence holder is deemed to be a "fit and proper person" to continue to hold a licence as a Private Hire Driver or whether there were reasonable grounds to suspend or revoke his licence, and the relevant provisions of the Council's policy on convictions.

Members retired at 18:42 to make a decision.

The meeting reconvened at 18:50.

RESOLVED:

The Committee **SUSPENDED** the Private Hire Driver's licence for a period of 8 weeks.

9. REVIEW OF PRIVATE HIRE DRIVER'S LICENCE

The Licensing Enforcement Officer outlined the circumstances as set out in the report. The Committee heard that the Licence Holder, licenced with Northampton Borough Council prior to 2008, was caught by Police and Licensing Officers illegally plying for hire on 19th October 2018.

The Licence Holder had previously come to the attention of the Licensing Department for plying for hire and no insurance.

The Licensing Enforcement Officer advised that at the time of his previous violations, there was no requirement to attend a Safety Awareness Course.

The Licence Holder addressed the Committee and explained that on 19th October he had

finished a job and before he could start the next, he was approached by 2 women who pleaded with him to take them. He stated that he felt very sorry for the women and that he was thinking with his heart, not his head. He commented that he recognised he made a mistake.

In response to a question, the Licence Holder advised that he would not do the same thing again if he found himself in a similar situation.

The Solicitor explained to Members their options and the relevant test to be applied; whether the licence holder is deemed to be a “fit and proper person” to continue to hold a licence as a Private Hire Driver or whether there were reasonable grounds to suspend or revoke his licence, and the relevant provisions of the Council’s policy on convictions

Members retired at 19:27 to make a decision.

The meeting reconvened at 19:34.

RESOLVED:

The Committee **SUSPENDED** the Private Hire Drivers licence for a period of 2 weeks and required the Licence Holder to attend a safety awareness course.

10. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

The Licensing Enforcement Officer outlined the circumstances as set out in the report. The Committee heard that an application for a Private Hire Driver’s licence was submitted on 20th March 2018 by the applicant. A DBS certificate supplied prior to the application showed several convictions and the applicant was contacted to advise that his pending application would not be accepted. He subsequently contacted the Licensing Department stating that he wished his application to be presented to the Licensing Committee.

The applicant addressed the Committee and explained that he was convicted once, of 3 offences. In 2013 the applicant’s friends got into a fight on Gold Street and when he tried to diffuse the situation, he was attacked. The applicant then joined the fight and used a chain link necklace as a weapon.

He advised that he had not realised he needed to put down 3 offences and that he was not trying to mislead the Committee. His wife assisted him with filling in his application form and he had been told at the time of his conviction that it would stay on his record for a 5 year period.

The applicant reassured Members that he had matured since the time of the incident, he now had a wife and a young child to provide for. He stated that he had no contact with the other people involved in the fight since.

He further advised that he was newly trained as an electrician but would like the flexibility of being a Private Hire Driver until his new business picked up.

The Solicitor explained to Members their options and the relevant test to be applied; whether the applicant is deemed to be a “fit and proper person” to hold a licence as a Private Hire Driver and the relevant provisions of the Council’s policy on convictions

Members retired at 20:15 to make a decision.

The meeting reconvened at 20:21.

RESOLVED:

The Committee **GRANTED** the applicant's Private Hire Drivers licence.

The meeting concluded at 8:25 pm