

**NORTHAMPTON BOROUGH COUNCIL**

**TAXI & GENERAL LICENSING COMMITTEE**

**Tuesday, 9 July 2019**

**PRESENT:** Councillor Flavell (Chair); Councillor Sargeant (Deputy Chair); Councillors Ansell, Beardsworth, Davenport, Larratt and Walker

**1. APOLOGIES**

Apologies for absence were received from Councillors Duffy, G Eales and Haque.

**2. MINUTES**

The minutes of the meeting held on the 11<sup>th</sup> June 2019 were agreed and signed by the Chair.

**3. DEPUTATIONS/PUBLIC ADDRESSES**

There were none.

**4. DECLARATIONS OF INTEREST**

There were none.

**5. HOUSE TO HOUSE APPLICATION**

The Licensing Team Leader outlined the circumstances as set out in the report. She explained to the Committee that the applicant had been invited to the meeting to present their case as outlined in Appendix B. Further information was provided by the applicant pertaining to the application which include the following:

- a) they had been granted a license they were granted by North Lincolnshire District Council
- b) they have vetted their collectors by means of a Disclosure and Barring Service check and that these are disclosed to the relevant licensing authority
- c) they make daily checks with collectors in relation to the ongoing collections
- d) they analyse the information received from collectors on a weekly basis
- e) that their records indicate that neither the company nor any collectors have any criminal convictions going back to 2014
- f) they extend their collection agreement with the Breast Cancer Research Aid Charity

The Licensing Team Leader further stated that the Applicant's representative could not attend due to travel on business in connection to the charity.

Members commented that they have concerns regarding the proportion of monies that are paid to the charity. Members further stated that on concerns in relation to an application of a similar nature, they had adjourned the matter to a later committee to allow the applicant time to present additional information for consideration.

**RESOLVED:**

The Committee had carefully considered the information in the report, the presentations made by the applicant at the hearing and the responses to the questions asked of him.

The Committee made the following findings:

- A. That whilst some information is very clear and addresses certain criteria covered by the report, it is not clear how much of the proceeds would be paid to the charity concerned.
- B. They had given another applicant a further opportunity to produce that information.
- C. They considered it appropriate to give this applicant a similar opportunity to address their concerns regarding the proportion of proceeds paid to the charity.
- D. In the circumstances it was appropriate to adjourn to let them provide this information at its meeting on 10 September 2019.

The Committee **ADJOURNS** the application for a house to house collections licence to the meeting on 10 September 2019 so that they can provide the following information:

- i. the gross sum realised from the items collected by door to door collections in the last two (2) years;
- ii. the expenses deducted from that sum;
- iii. the profits retained by the company;
- iv. the net sums paid over to the charity;
- v. copies of accounts submitted to Companies House which support items i to iv.

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

There were 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 COMBINED DRIVER LICENCE**

The Chair invited the Licensing Team Leader to present the report of the Senior Licensing Enforcement Officer. The Licensing Team Leader outlined the circumstances as set out in the report. The Committee heard from the Licence Holder and the Licence Holder's representative as well as the Licence Holder's responses to questions from Members.

#### **RESOLVED:**

The Committee had carefully considered the information in the report, the presentations made by the applicant at the hearing and the responses to the questions asked of the licence holder.

The Committee made the following findings:

- A. That there were a number of matters recorded against the licence holder.
- B. The licence holder had accepted that these occurred.
- C. The licence holder indicated that they changed their ways, cut down on the amount of hours worked and not drunk since.
- D. The licence holder appeared to be motivated by a wish to provide for their family and had placed themselves under severe pressure which culminated in this incident.

- E. The Court appear to have been satisfied that the licence holder had no intention to drive the vehicle on the night in question.
- F. Those who have spoken on the licence holder's behalf indicated that they are hardworking, trustworthy and of good character. They accepted that the incident was serious and out of character for the licence holder.
- G. That while the matters on the licence holder's record are serious, the mitigating information provided suggests that this is a case justifying a departure from the Council's policy.

Accordingly, the Committee determines that it should **SUSPEND** the licence holder's combined hackney carriage and private hire driver licence for a period of 6 weeks and requires him to take the Advanced Driving Test.

The **REASONS** for the decision are as follows:

1. There are a considerable number of matters on the licence holder's record over a period of time. The most recent, relating to the licence holder's conviction for being in charge of a vehicle with excess alcohol was very serious.
2. This convictions alone clearly contravenes the Council's policy and guidelines on convictions and would normally mean that the Council would not entertain an application for a licence for a period of at least three (3) years.
3. The primary concern is the protection of the public and establishing whether the licence application presents a risk.
4. They have listened carefully to what has been said about the circumstances surrounding the commission of the offence.
5. They have noted that he has made changes to his behaviour and his working pattern as a result of what has happened and shows that he has learned from the experience.
6. The Licence Holder's friends and colleagues have assisted the Committee in understanding more about the Licence Holder and his situation.
7. In the circumstances the appropriate course of action is suspension of the Licence Holder's licence and a requirement to take the Advanced Driving test. The minimum period of suspension which can reflect the seriousness of this matter is a period of **six (6) weeks**

The meeting concluded at 7:43 pm