

NORTHAMPTON BOROUGH COUNCIL

LICENSING COMMITTEE

Tuesday, 15 October 2013

PRESENT: Councillor Malpas (Chair); Councillor Hill (Deputy Chair); Councillors Conroy, Duncan, Ford, Hibbert, Sargeant and Stone

APOLOGIES: Councillor Eales, Councillor Mennell and Councillor Wire DL

1. APOLOGIES

Apologies were received from Councillors Eales, Mennell and Wire.

2. DEPUTATIONS / PUBLIC ADDRESSES

The interested party with reference to agenda item 6 had supplied the Committee with a list of witnesses they would be calling.

3. DECLARATIONS OF INTEREST

None.

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

None.

5. 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 100(1) of the Local Government Act 1972 as listed against such items of business by reference to paragraph (1) of Schedule 12A to such Act.

The Motion was Carried.

6. REVIEW OF HACKNEY DRIVER LICENCE

The Chairman stated that the Committee was sitting to review a Hackney Driver licence and to consider whether the party was a fit and proper person to hold such a licence. If the Committee decided that he was not a fit and proper person to do so they would need to consider his personal circumstances in deciding any sanction to apply.

The Committee heard evidence and witnesses were called.

RESOLVED:

After deliberation the Committee unanimously agreed that the Hackney Driver was not a fit and proper person to hold a Hackney Driver's licence and agreed unanimously to revocation of his licence.

1. The Committee believed the evidence of the complainant although they were unable to attend the hearing, although a sworn statement was received and accepted. On the balance of probabilities the Committee felt that the Hackney Driver's conduct was not acceptable and had caused the complainant to be distressed. The Hackney Driver admitted that he had been feeling stressed at the time. Taxi drivers have a duty to act in a professional manner to their customers at all times and the taxi driver

had failed to do so on this occasion.

2. The Committee also received in evidence a sworn statement from the Enforcement Officer Mr Ian Ellis and also oral evidence from him. The evidence demonstrated an unacceptable use of derogatory language in regard to race issues by the Hackney Driver. This evidence supported in the view of the Committee the truth of the evidence of the complainant.
3. The Committee had regard to the other communications between the Hackney Driver and the Council's Licensing Officers, as referred to in the report. The Committee felt on balance that the confrontational and prejudicial tone of the Hackney Driver's communications made it more likely than not that such conduct would be exhibited to fare paying passengers in his role as a taxi driver.

The Committee therefore unanimously concluded that the Hackney Driver, on the balance of probabilities, is not a fit and proper person to hold a Hackney Driver's Licence.

The ground for the decision is "any other reasonable cause" under s61 of the Local Government (Miscellaneous Provisions) Act 1976, the evidence of which is detailed above.

The Committee therefore considered the various options open to it. The Committee decided to revoke the Hackney Driver's licence. It was considered whether to issue a warning or to suspend the licence, but concluded that neither option would adequately serve to protect the interests of the public and that revocation was the only option open to the Committee.

The revocation of the licence will take effect at the end of the period of 21 days beginning with the day on which the Hackney Driver receives this notice, unless the Hackney Driver lodges an appeal to the Magistrates' Court.

The meeting concluded at 9:38 pm