

**NORTHAMPTON BOROUGH COUNCIL**

**TAXI & GENERAL LICENSING COMMITTEE**

**Tuesday, 16 October 2018**

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

**OFFICERS:** Louise Faulkner (Licensing Team Leader), Ian Ellis (Senior Licensing Enforcement Officer), Clive Tobin (Litigation & Licensing Solicitor), Ed Bostock (Democratic Services Officer)

**1. APOLOGIES**

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

**3. DEPUTATIONS/PUBLIC ADDRESSES**

There were none.

**4. DECLARATIONS OF INTEREST**

There were none.

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

There were none.

**6. DELEGATION OF POWERS TO SUB-COMMITTEES AND OFFICERS**

The Solicitor explained that Officers would have powers to take more immediate action where a Private Hire or Hackney Driver had been convicted of an offence. It was noted that with regard to sex establishments, where no objections had been received, a licence would automatically be renewed annually. Regarding piercing and tattoo establishments, it was explained that registration rather than a licence was required to operate and that the byelaws they were required to comply with would be set by the Licensing Committee.

In response to a question, it was suggested that a review into current byelaws surrounding tattooing and piercing should take place.

Regarding animal welfare, Members heard that time-limited licences could now be given under new regulations for a range of activities involving animals, should the Committee have concerns around the applicant; a scoring matrix would be used to determine the length of time a licence would be granted for.

Members discussed the table within the report and powers delegated to the Committee by Full Council across the range of licensing functions.

**RESOLVED:**

1. The Committee established a number of Sub-Committees to discharge the Committee's functions under the 2003 and 2005 Acts.
2. The Committee delegated the discharge of the functions set out in Appendix B of the report to those Sub-Committees and Officers.

The Committee confirmed that all other functions delegated to it by Full Council would be discharged by the Committee.

## **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 100(1) 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 were excluded on the basis that information relating to an individual and information which is likely to identify an individual were contained in the report.

## **8. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE**

The Senior Licensing Enforcement Officer outlined the circumstances as set out in the report. The Licence Holder advised that he had brought his local Imam along for support and further advised that he had 2 character references; these were circulated amongst Members and Officers.

The Licence Holder explained that on the night of 29<sup>th</sup> September 2018 he was approached by a group of 5 who all tried to access his vehicle. After explaining that he could carry a maximum of 4, 3 entered the vehicle. He stated that at this point, his passengers were acting in a hostile manner. Whilst travelling to Ecton Brook the passengers stated that they did not have money for their fare, so the Licence Holder took them to a garage with an ATM. A passenger exited the vehicle to use the cash point, however his card was declined. The Licence Holder then asked for his fare up front. The passengers allegedly reacted badly to this request and the Licence Holder was concerned enough for his own safety that he called the Police. While on the phone, a passenger punched him in the head. He exited the vehicle and was followed by the passengers who continued to taunt him. He tried asking for assistance from nearby taxi drivers and a Police Officer, none of whom intervened. At this point he got back into his vehicle. It was at this point that the Police arrived, following his phone call. He was arrested and once at the station, explained that he had been the one who called the Police. He was told by Police Officers that they would check the call. Shortly after, he was released under investigation.

In response to questions, the Licence Holder explained that he saw his doctor on 2<sup>nd</sup> October about his injuries and was given medication. He followed up with his doctor the following day also. He further explained that the report did not mention that he called the Police, and that the passengers tried to force their way into his vehicle.

Responding to a question around a weapon alleged to have been used during the incident, the Licence Holder stated that he tried to push back the man who punched him but did not recall using a weapon. He further stated that the report contained an error; he was attacked whilst inside his vehicle.

The Solicitor explained to Members their options and the relevant test to be applied; whether a driver remained a "fit and proper person" to continue to be licensed as a Private Hire Driver, and noted that a conviction was not required before the Committee used their powers.

Members retired at 19:34 to make a decision.

The meeting reconvened at 19:44.

**RESOLVED:**

The Committee decided to adjourn the meeting until the Police investigation had been completed.

The meeting concluded at 7:44 pm