

NORTHAMPTON BOROUGH COUNCIL

LICENSING COMMITTEE

Tuesday, 19 June 2018

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

OFFICERS: Eleanor Flannery (Licensing Enforcement Officer)
Jason Toyne (Licensing Enforcement Officer)
Clive Tobin (Litigation & Licensing Solicitor)
Ed Bostock (Democratic Services Officer)

1. APOLOGIES

Apologies were received from Councillors Sargeant and Duffy.

2. MINUTES

The minutes for the meeting held on 3rd May 2018 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

There were none.

4. DECLARATIONS OF INTEREST

Councillor Haque declared a personal and non-pecuniary interest in item 8 by virtue of knowing the driver and advised that he would leave the room whilst the item was discussed.

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

There were none.

6. 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 as it was in the public interest for the exempt information to remain private.

7. 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 the applicant had submitted an application for a Private Hire Driver's Licence on 16th May 2017 and disclosed a speeding conviction. Following the submission of a DBS certificate, further convictions for driving whilst disqualified and driving whilst uninsured were revealed. As a result of the disclosure, the applicant was advised that his application would not be accepted and he contacted the Licensing Department on 2nd February 2018 to ask that his application be considered by the Licensing Committee.

The applicant addressed the Committee and stated that he had made a genuine error in omitting the conviction from his application form. He advised that he had held a driving

licence since 2012 and the speeding offence was a solitary incident.

The meeting adjourned at 18:12 so Members could make a decision.

The meeting reconvened at 18:27 so that Members could further question the applicant.

In response to a question, the applicant explained that he had a friend read and complete the application form to him. Members expressed concerns that the applicant did not fully understand all parts of the application form as he did not read it himself. It further transpired that his friend had advised him that he only needed to declare any convictions over 5 years old, contrary to what was written on the application form.

The meeting adjourned at 18:35.

The meeting reconvened at 18:53.

RESOLVED:

The Committee decided that on a balance of probabilities the applicant was a fit and proper person to be licensed as a Private Hire Driver and allowed the application subject to:

- (a) Satisfactory completion of all other stages of the application process including the knowledge test;
- (b) A warning as to the need to be open and honest with Licensing Officers in all his dealings with them; and
- (c) A warning in relation to his future conduct, particularly in relation to having appropriate insurance and speeding.

8. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Licensing Enforcement Officer outlined the circumstances as set out in the report. The Committee heard that the driver, licensed with this authority since October 2006, had been caught by officers illegally plying for hire on 25th January 2018. It was noted that he had previously come to the attention of the Licensing Department on several occasions for similar offences, including illegally plying for hire and had attended a hearing following a complaint from a customer that he had ran over her foot following a journey that was not pre-booked.

The driver brought his wife along to assist with translation if needed.

The driver addressed the Committee and explained that whilst he did state to officers that he was free and advised on the fare for a journey, he specified that he would not take passengers without a job being booked through the operator first.

In response to a question, the driver stated that he cleared his previous job after he dropped off his customers and had not picked up a new one before he was approached by the officers.

Members adjourned the meeting at 19:17 to make a decision.

The meeting reconvened at 19:30.

RESOLVED:

The Committee decided that on a balance of probabilities the driver was not a fit and proper person to be licensed as a Private Hire Driver and revoked the licence. Members noted that he had attended a Safety Awareness course following the earlier plying for hire incident and had had his licence suspended in 2017, neither of which had persuaded him to maintain the standards expected of a Private Hire driver.

9. 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 refused by officers due to a disclosed conviction of using a false passport to live in the UK, for which the applicant received a 3 year prison sentence. He subsequently contacted the Licensing Department on 16th March 2018 to ask that his application be considered by the Licensing Committee.

The applicant addressed the Committee and stated that he came to the UK in 2004 as an illegal immigrant. He was told that he would need identification to be able to work and so acquired a fake passport and began working. Following his arrest, the applicant was advised that should he plead guilty he would receive a more lenient sentence. A year after he had been imprisoned, he was deported. He spent 6 years in the Netherlands, became a naturalised Dutch citizen and got a Dutch passport and had spent the last 3 years back in the UK. It was noted that the applicant's wife and child had remained in the UK while he was in prison and abroad.

In response to a question, Members were informed that the applicant lived in Milton Keynes. However, his Northampton-based delivery job meant that he knew the town better and felt that Northampton was a better option.

Members adjourned the meeting at 19:51 to make a decision.

The meeting reconvened at 20:00.

RESOLVED:

The Committee decided that on a balance of probabilities, the applicant was a fit and proper person to be licensed as a Private Hire Driver and allowed the application.

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 received on 21st March 2018. Members noted that the applicant had previously been licensed as a Private Hire Driver with this authority between 2003 and 2007. As part of the application a disclosure of criminal convictions was required, which the applicant duly supplied. Officers then contacted the applicant to advise that due to his caution for possession of controlled drugs, his application would not be accepted. He subsequently contacted the Licensing Department on 29th March 2018 and asked for his application to be considered by the Licensing Committee.

The applicant addressed the Committee and stated that the caution was an unfortunate incident that took place on a stag party. He further stated that he hoped his truthfulness worked in his favour and that his being previously licensed as a Private Hire Driver without incident showed Members that he was a fit and proper person.

Members retired at 19:51 to make a decision.

The meeting reconvened at 20:00.

RESOLVED:

The Committee decided that on a balance of probabilities, the applicant was a fit and proper person to be licensed as a Private Hire Driver and allowed the application.

The meeting concluded at 8:13 pm