

TAXI & PRIVATE HIRE LICENSING PANEL (74)

24TH SEPTEMBER 2012 at 6.00P.M.

(Continuation of meeting adjourned on 7TH AUGUST 2012)

PRESENT: Councillor J. Davies (CHAIR), Councillors Garrett and A. Khan.

50 LOCAL GOVERNMENT ACT 1972, PART VA (REF: 4)

Resolved: That, under Section 100A (4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting as it is likely that if members of the public were present during consideration of the items remaining there would be disclosure to them of exempt information falling within Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended.

51 HACKNEY CARRIAGE DRIVER'S LICENCE – RENEWAL – MR I. K. (REF:5)

The Head of Business and Consumer Services reported on an application by Mr. I. K. for the renewal of his Hackney Carriage Driver's Licence, which had been referred to the Panel to consider whether the Applicant was a fit and proper person to hold a Hackney Carriage Driver's licence.

Mr. I. K. had been invited to attend the meeting to speak in support of his application. Mr. I. K. and his cousin were present at the meeting and the Panel followed their procedure for oral hearings as set out at Minute 442(6)/90 of the then Licensing Sub-Committee.

Mr I. K. was asked whether or not he knew any of the Panel Members present, to which he replied that he did not.

Mr. I. K. was given the opportunity to challenge the contents of the report of the Head of Business and Consumer Services but did not dispute the information contained therein.

Mr I. K. submitted a letter from DVLA in regards to update of his Driver's Licence. He also submitted a Memorandum of an Entry entered in the Register of Hertford Magistrate Court regarding application to reopen the original offence under Section 142 of the Magistrate Court Act 1980. The Panel further considered these documents.

Resolved: That having regard to:

- (a) the Council's Convictions Policy,
- (b) Mr I. K's convictions for the following offences:
 - (i) Threats to Kill for which he was convicted on 18th November 2011 and sentenced on 9th December 2011 to 12 months Community Order and to undertake 200 hours of unpaid work, A 2 month Curfew Order to remain at his Broadmead, Luton, home address between 2200 & 0600 hours. A 5 year Restraining Order – preventing intimating / harassing / pestering his ex-partner or any member of her family living at 46, Broadmead, Luton. No contact with his ex-wife or daughter unless via a solicitor or agreed third party and was ordered to pay Costs contribution of £350.00 at £50.00 per month (1st payment to be made on the 30/01/2012),
 - (ii) CU80 Using a mobile phone whilst driving a motor vehicle on 10th June 2008 and received FPN 3 Penalty points,
 - (iii) CU80 Using a mobile phone whilst driving a motor vehicle on 8th December 2008 and received FPN 3 Penalty points,
 - (iv) CU80 Using mobile phone whilst driving vehicle on 18th June 2011 and received FPN 3 Penalty points,
 - (v) TS10 Failing to comply with traffic light signals on 6th September 2011 and received FPN 3 Penalty points,
- (c) the applicant failed to declare two of his convictions on his renewal application and also allowed his extended Licence to lapse, but the Panel noted that the applicant's driving licence was still valid at the time of his application,
- (d) the Panel also considered a letter dated 21st August 2012 from DVLA confirming that the applicant's Driver's Licence had been returned to DVLA for an update, also the Panel considered a Memorandum of an Entry entered in the Register of Hertford Magistrate Court regarding application to reopen

the original offence under Section 142 of the Magistrate Court Act 1980,

- (e) the Panel noted that Mr. I. K. accepted his offences and especially his threats to kill his wife and acknowledged his explanation that their relationship had improved; notwithstanding, the Panel concluded that the offence was very serious and a breach of the Council's Convictions Policy and that there were no exceptional circumstances justifying departure from the policy to grant the licence,

the application be **REFUSED** under Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that the Panel were satisfied that the applicant had been convicted of an offence of violence and / or there were reasonable grounds to refuse to renew Mr I. K.'s Hackney Carriage Driver's Licence.

(Note: The meeting concluded at 6.50 p.m.)