

Minutes of the meeting of the LICENSING AND  
APPEALS HEARINGS PANEL held at 9.30 am on  
Thursday, 27th September, 2018 at Main Committee  
Room, Civic Centre, Stone Cross, Northallerton

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Present

Councillor M A Barningham (in the Chair)

Councillor K G Hardisty

Councillor R Kirk

LAHP.15 **EXCLUSION OF THE PUBLIC AND PRESS**

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the item of business at minute no LAHP.16 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LAHP.16 **APPLICATION FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

All Wards

**The subject of the decision:**

The Panel was asked to consider whether to grant or refuse an application for a hackney carriage and private hire driver licence submitted by the applicant.

**Alternative options considered:**

The Panel considered the options outlined in the Director's report. The Panel was not satisfied that the applicant was a fit and proper person to hold a hackney carriage and private hire driver's licence. The Panel was not satisfied that granting the licence would adequately serve the interests of the public.

**The reason for the decision:**

The Panel considered the Director's report, the application for a hackney carriage and private hire driver licence, the applicant's oral submissions, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel considered an incident in December 2006 where the applicant was arrested following an accusation that he raped a 16-year-old female passenger whilst working in his capacity as a hackney carriage driver for a neighbouring licensing authority. The applicant admitted to having sexual intercourse with his passenger but denied raping her. The allegation of rape was subsequently withdrawn. The applicant informed the Panel that he had regretted the incident. The Panel noted that, at the time of the incident, the applicant was 29-years-old, married with two children and did not have a personal relationship with the passenger. The Panel was satisfied that the applicant was not seeking a serious romantic relationship with his teenage passenger and that he abused his position for sexual gratification.

The Panel had serious concerns about the applicant's conduct with a young lone female passenger in his hackney carriage vehicle. The Panel was also concerned that the applicant had potentially caused offence to the public by having sexual intercourse in a public place within a licensed vehicle. The Panel was satisfied that this type of conduct raised serious concerns about the applicant's fitness and propriety to be a licensed driver.

The Panel also considered an allegation made against the applicant in April 2016 by an 18-year-old female passenger. The Panel was informed that the applicant was accused of asking the passenger inappropriate questions relating to her sexual experience, relationship status and whether she lived alone. The applicant admitted to asking the passenger about her relationship status and whether she lived alone but denied asking if she was a virgin. The Panel noted that the passenger had felt uncomfortable and fearful for her safety. The applicant acknowledged that the passenger may have felt uncomfortable but he insisted that it was not his intent. The Panel noted that, at the time of the accusation, the applicant had said that he did not believe it was inappropriate to ask those sorts of questions.

The Panel noted that the applicant was 36-years-old at the time of this incident and his passenger was 18-years-old; a lone female travelling late at night. The Panel had concerns that the applicant had been unable to demonstrate appropriate behaviour on this occasion and had left a teenage girl fearful for her safety.

The applicant indicated that he had no recorded convictions and he had only been subject to two complaints in 15 years as a licensed driver.

The Panel noted that taxis are often used by vulnerable groups including young passengers and intoxicated passengers, often alone and often late at night. The driver of a licensed vehicle has significant power over his/her passengers as their safety is almost entirely in the driver's hands. The Panel was satisfied that, with this in mind, applicants must be able to demonstrate that they will not abuse the unique position of trust that comes with holding a hackney carriage and private hire driver licence.

The Panel concluded that the applicant had seriously abused his position in 2006 and it was satisfied that the conversation that led to the complaint in 2016 raised further concerns about the applicant's character. The Panel was not satisfied that a licence could be granted without undermining public confidence and taking a risk with public safety.

The Panel noted that the applicant is currently licensed with another licensing authority. The Panel also noted that the Hackney Carriage and Private Hire Licensing Policy states that each application will be considered on its own merits and where an applicant is already licensed with another authority the applicant should not automatically assume he/she will be licensed with Hambleton. The Panel acknowledged that it was required to exercise its own discretion and not abdicate responsibility on the basis of another authority's decision.

### **THE DECISION:**

Taking account of the above and having given appropriate weight to the evidence the Panel reached the following conclusions:-

The Panel was not satisfied that the applicant was a fit and proper person to hold a hackney carriage and private hire driver licence and the application was refused.

The meeting closed at 10.20 am

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Chairman of the Panel