

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 12 January 2012

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9.30am

Present: Councillors: -

Richard Gell (Chairman)
Barbara Jenney

Glennil Greenwood-Smith

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Richard Gell be appointed chairman for this hearing.

2. DECLARATIONS OF INTEREST

No interests were declared.

3. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That the public and press be excluded from the meeting during consideration of the following items of business because exempt information, as defined under paragraphs 1 and 7 of schedule 12A of the Local Government Act 1972, may be disclosed.

4. APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer reported on an application for a Hackney Carriage and Private Hire Driver's Licence under the Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976. Reference was made to the council's Hackney Carriage and Private Hire Driver's Criminal Records Policy when considering this application.

The Criminal Records Bureau (CRB) disclosure revealed a conviction for affray in February 1997 where the applicant was sentenced to 120 hours community service.

The applicant was present at the hearing where he spoke in support of his application and explained the circumstances of the offence to the Panel. The conviction had been for an incident inside a public house in December in 1995 when the applicant was seventeen. The applicant mentioned that he had acted in self-defence had not offended since then.

The panel asked the applicant a number of questions.

The applicant was fully aware of the council's Hackney Carriage and Private Hire Drivers Criminal Records Policy and understood that there were no "spent" convictions as far as taxi drivers were concerned.

After considering the officer's report and representations made by the applicant, the panel retired to consider the application and evidence presented at the hearing, and it was

RESOLVED:

That the application for a Hackney Carriage and Private Hire Driver's Licence be granted for two years with standard conditions.

The chairman then read out the following statement giving the reasons why the panel had granted the application: -

"The Panel has carefully considered your application for the issue of a Hackney Carriage and Private Hire Drivers Licence. In reaching its decision, the Panel had regard to:

Government Guidance

ENC Hackney Carriage and Private Hire Drivers Criminal Records Policy

ENC Hackney Carriages / Byelaws (Terms and Conditions)

The Panel has reached the decision to Grant the licence for a period of two years with standard conditions.

The Panel considered the past offence which was declared on the application form, the Panel felt that it was sufficiently dated not to be part of their considerations.

The Panel thanks the applicant for being so candid when responding to the Panel's questions.

The Panel would like to emphasise that the safety of the public is paramount and would take this opportunity to remind the applicant of his responsibilities in that respect.

The Decision Notice will be sent out in writing. If aggrieved with the Panel's decision, the Applicant and any Party that has made representation has the Right to Appeal to the Magistrates Court within 21 days of the Decision Notification letter."

5. APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer reported on an application for a Hackney Carriage and Private Hire Driver's Licence under the Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976. Reference was made to the council's Hackney Carriage and Private Hire Driver's Criminal Records Policy when considering this application.

The Criminal Records Bureau (CRB) disclosure had revealed no convictions, however the applicant had declared a vehicle insurance offence.

The applicant was present at the hearing where he spoke in support of his application.

The panel asked the applicant a number of questions.

After considering the officer's report and representations made by the applicant, including advice from the Solicitor to the Council, the panel retired to consider the application and evidence presented at the hearing, and it was

RESOLVED:

That the application for a Hackney Carriage and Private Hire Driver's Licence be granted for one year with standard conditions.

The chairman then read out the following statement giving the reasons why the panel had granted the application: -

"The Panel has carefully considered your application for the issue of a Hackney Carriage and Private Hire Drivers Licence. In reaching its decision, the Panel had regard to:

Government Guidance

ENC Hackney Carriage and Private Hire Drivers Criminal Records Policy

ENC Hackney Carriages/Byelaws (Terms and Conditions)

The Panel has reached the decision to Grant the licence for a period of one year with standard conditions.

The Panel considered the past offence which was declared on the application form. The Panel felt that it was recent enough to be part of their consideration, taking into account paragraph 4.1.6 of the East Northamptonshire Hackney Carriage and Private Hire Drivers Criminal Records Policy which states "convictions with regard to invalid or no insurance will always be relevant."

The Panel thanks the applicant for being so candid when responding to the Panel's questions.

The Panel would like to emphasise that the safety of the public is paramount and would take this opportunity to remind the applicant of his responsibilities in that respect.

The Decision Notice will be sent out in writing. If aggrieved with the Panel's decision, the Applicant and any Party that has made representation has the Right to Appeal to the Magistrates Court within 21 days of the Decision Notification letter."

Chairman