

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 26 March 2012

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9.30am

Present: Councillors: -

Richard Gell (Chairman)
Pauline Bradberry

Tony Boto

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 several convictions received by the applicant between August 1997 and November 1999. It was noted that the applicant had previously appeared before the panel in September 2010 where he was granted a 12 month licence. However, this licence had not been renewed in September 2011 and as such this application was considered to be a new application.

The applicant was present at the hearing where he spoke in support of his application and explained the circumstances of the offences to the Panel.

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 reasons for granting the application are as follows:-

1. The Panel had reference to the Hackney Carriage and Private Hire Drivers Criminal Record Policy 14 April 2010 when making its decision. The Panel noted the numerous offences disclosed by the CRB that are 12 years old and whilst each is very serious in its own right, the Panel felt those convictions are sufficiently dated and carried limited weighting in the decision making process as regards the decision to grant the Licence.
2. The Panel wishes to remind the applicant that the position of a taxi hackney carriage driver is one of great trust and responsibility to the public. The Panel considers that the offences between August 1997 and November 1999 were of a very serious nature.
3. The Panel wishes to emphasise that the safety of the public is paramount and therefore, advise you that should you be convicted of any further motoring, or other

offence, as shown in the prescribed offences list, that will cause another review of your licence which may well result in your licence being revoked.

4. The Panel took note of the fact that you were granted a licence for 12 months in August 2010 which expired in August 2011; you did not renew the licence for personal reasons. The Panel also noted your change of address but that you wish to be employed by your previous taxi company.

The Panel hereby advise you that your conduct should be exemplary whilst you hold your Licence.

You have the right of appeal to the Magistrates Court within 21 days of receiving the Notice if you are aggrieved with the Panel's decision.

Chairman