1. **APPOINTMENT OF CHAIRMAN**

RESOLVED:

That Councillor Brian Northall be appointed Chairman for this Hearing.

2. **MINUTES**

The minutes of the Panel meeting held on 13 October 2010 were signed by the Chairman as a correct record.

3. **DECLARATIONS OF INTEREST**

Following advice from the Council’s Solicitor, Councillor Peter MacGovern declared a personal interest in the application to be considered because he had known the parents of the applicant. He did not know the applicant and considered he would be able to take part in the determination with an open mind.

4. **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.

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 revealed that the applicant had received a number of convictions for various offences, and these are shown in the Appendix to these minutes.
The Panel noted that the applicant had not included details of his convictions under Question 8 but had referred to his answer to Question 6 which stated “Yes I have but as its been so long ago, full details are hard. From the age of 18 up until I was 29 years old, I’ve had a few cautions, also convictions for fighting, criminal damage and theft”.

The applicant was present at the hearing and spoke in support of his application. He made the following comments:-

- He was unsure of the details of the offences and convictions and knew that the full picture would emerge in the CRB disclosure and the Panel would be provided with further particulars then
- Since 2000, he had dedicated his life to the martial arts and had worked alongside Councillors, opening a gymnasium to provide training to young people aged 7 upwards, and working alongside an instructor/school teacher
- For the last 6 or 7 years, he had dedicated time to charity work and had given back a little to the community, with a number of business sponsors being secured and had also built up a following with parents and children in Rushden
- He was also involved in charity work for Kettering General Hospital and would be raising money for handicapped swimmers soon
- He was not proud of his criminal past but now wanted to secure a permanent full time job; and was trying to do “better things”
- He had not had any offences or convictions for nearly 11 years
- He enjoyed driving and his father was also a taxi driver working for the firm proposing to employ him, and he fully understood and recognised the disciplines and duty of care to the public required by a taxi driver.

The applicant’s prospective employer was also present at the hearing and spoke in favour of the application. He provided a character reference for the applicant, who, he considered, was helpful, polite and “a nice person” who was also making a valuable contribution to the community.

The Panel asked the applicant a number of questions about the various offences, and the applicant responded to all the questions. The circumstances of the last conviction for affray were outlined to the Panel and the applicant assured Members that he no longer had the temptation to “get involved” in issues and he fully appreciated that taxi drivers had a responsibility to behave impeccably. It was noted that the applicant had passed his driving test in 1999, but his provisional licence has not immediately been converted into a full licence. He 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, including advice from the Solicitor, 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. The Panel has reached the decision to approve the
granting of the Licence for a period of two years with normal conditions.

The reasons for granting the application are as follows:

1. The Panel had reference to the Government Guidance and East Northamptonshire Council's Hackney Carriage and Private Hire Drivers Criminal Records Policy when making its decision. The Panel noted the convictions ranging from drunk and disorderly, road traffic offences, theft, burglary to drugs possession and supplying and affray. Whilst considered very serious, the Panel felt the offences were sufficiently dated not to carry significant weight in its decision making.

2. The Panel noted that the applicant had not included any specific convictions under Question 8 on his application form, which clearly states *From 28 February 2002 the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2003 added hackney carriage and private hire drivers to the list of excepted occupations set out in the act. Please give details of all convictions and cautions, no matter how old they are. If necessary, use a separate piece of paper.* The Panel accepts the applicant's explanation.

The Panel has taken note of your work for charity, and also notes that a potential employer gave reference for you verbally at the Hearing, and that your last offence was committed 10 years ago.

3. The Panel wishes to stress the importance it places on individuals who drive members of the public for a living being fully compliant at all times with all aspects of the law.

   The Panel wishes to remind the applicant that first and foremost, his duty is the care and welfare of his passengers, some of whom may be vulnerable people”.

The Decision Notice would be posted to the applicant and should he have any grievance with the Panel's decision today he had the right to appeal to the Magistrates Court within 21 days of receiving the notice.

Chairman
<table>
<thead>
<tr>
<th>Date of Conviction</th>
<th>Offence/Date</th>
<th>Disposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 February 1987</td>
<td>Burglary and theft – non dwelling – No date given</td>
<td>£100 fine. Compensation £263. Costs £15</td>
</tr>
<tr>
<td>28 June 1990</td>
<td>Attempt/obtaining property by deception. No date given.</td>
<td>Probation order 18 months. Compensation £1000</td>
</tr>
<tr>
<td>28 June 1990</td>
<td>Theft – No date given</td>
<td>Probation order 18 months costs £25</td>
</tr>
<tr>
<td>18 September 1990</td>
<td>Theft from vehicle – No date given</td>
<td>Fine £30</td>
</tr>
<tr>
<td>18 September 1990</td>
<td>Minor road traffic offence – No date given</td>
<td>Not separately dealt with.</td>
</tr>
<tr>
<td>18 September 1990</td>
<td>No insurance – No date given</td>
<td>Fine £50 – costs £10 – driving licence endorsed.</td>
</tr>
<tr>
<td>2 May 1991</td>
<td>Burglary and theft non-dwelling No date given</td>
<td>Community service order 120 hours – concurrent. Compensation £100</td>
</tr>
<tr>
<td>2 May 1991</td>
<td>Supplying controlled drug. No date given</td>
<td>Community service order 120 hours.</td>
</tr>
<tr>
<td>2 May 1991</td>
<td>Possessing controlled drug No date given</td>
<td>Community service order 120 hours.</td>
</tr>
<tr>
<td>2 May 1991</td>
<td>Criminal damage no date given</td>
<td>Community service order concurrent.</td>
</tr>
<tr>
<td>17 February 1992</td>
<td>Burglary and theft non-dwelling. No date given</td>
<td>Imprisonment 6 months wholly suspended 2 years. Compensation £250.</td>
</tr>
<tr>
<td>7 December 1993</td>
<td>Burglary and theft non dwelling. No date given</td>
<td>Imprisonment 6 months consecutive resulting from original conviction of 17.2.92</td>
</tr>
<tr>
<td>16 February 1998</td>
<td>Being drunk and disorderly. No date given</td>
<td>Conditional discharge. 12 months costs £50.</td>
</tr>
<tr>
<td>7 February 2000</td>
<td>Affray No date given</td>
<td>Imprisonment 8 months.</td>
</tr>
</tbody>
</table>