

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 30 April 2012

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9.30am

Present: Councillors: -

Pauline Bradberry (Chairman) Tony Boto
Glenvil Greenwood-Smith

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Pauline Bradberry 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 two convictions received by the applicant on 17 October 2007; one for drink driving and the other for driving other than in accordance with his licence. It was noted that the applicant had previously appeared before a licensing panel on 12 November 2010 where his application had been refused.

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 Panel noted that Mr Yilmaz had made an application which went to a Taxi Licensing Panel hearing on Friday 12 November 2010 which was refused. The Panel noted that three years and three days had elapsed since the applicant had been granted his full driving licence (and therefore under paragraph 4.2.1 of the Council's policy the Panel was in a position to consider the application).

The reasons for granting the application are as follows:-

1. The Panel had reference to the current Hackney Carriage and Private Hire Drivers Criminal Record Policy when making its decision. The Panel noted the offences disclosed by the CRB and whilst each is very serious in its own right, and the Panel felt those convictions are sufficiently dated and carried 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 in October 2007 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.

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