

TAXI PANEL

Date: 24 April 2009

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Glenn Harwood (Chairman)
Brian Northall

Anna Sauntson

PART A ITEMS

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Glenn Harwood be appointed Chairman for this Hearing.

2. DECLARATIONS OF INTEREST

The Solicitor to the Council declared a personal interest in Agenda Item 5(a) below because he had been a passenger in a taxi driven by the applicant on one occasion during the past six months. A friend had also been a passenger in the a taxi driven by the applicant on a number of occasions during the past year.

The Panel agreed that the Solicitor to the Council could remain and take part in the meeting.

3. MINUTES

The minutes of the meeting held on 16 January 2009 were approved and signed by the Chairman.

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. APPLICATIONS FOR RENEWAL OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES

The Licensing Officer reported on two applications for renewals of Hackney Carriage and Private Hire Driver's Licences under the Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976.

(a) Applicant One

The Criminal Record Bureau disclosure of 3 April 2009 revealed that the applicant had been convicted on:

- (i) 2 June 1960 of possessing an offensive weapon in a public place and had been served with a Probation Order of 2 years;
- (ii) 21 September 1961 of malicious damage and had been fined £2.00; and
- (iii) 10 April 1969 of indecent assault on a female 16 or over and had been fined £5.00.

The Panel noted that the applicant had held a Hackney Carriage and Private Hire Driver Licence since 23 March 2001. A short term Licence had been issued to enable the applicant to continue working until a decision was made by Panel.

The applicant spoke in support of his application, gave details about the information provided by the CRB disclosure and answered questions from the Panel about the circumstances of the convictions and speeding offences.

After considering the Licensing Officer's report and the representations made by the applicant, including advice from the Solicitor to the Council, the Panel retired to consider the evidence presented at the Hearing, and it was

RESOLVED:

That the application for a Hackney Carriage and Private Hire Driver's Licence be renewed for a temporary period of one year.

The Chairman read out the following statement giving the reasons why the Panel had renewed the application: -

"The Panel had reference to the Government Guidance when making its decision. The Panel noted the three offences disclosed by the Criminal Records Bureau and whilst each is very serious in its own right, felt those convictions are sufficiently dated and carried limited weighting in the decision making process.

The Panel was particularly concerned about the speeding offences in 2002 and 2003 and noted on one occasion you were caught speeding whilst carrying a passenger. The Panel wishes to emphasize the safety of the public is paramount and therefore, warn you most strongly that should you be convicted of any further motoring, or other offence, as shown in the prescribed offences list, that may result in another review of your Licence which may well result in your License being revoked.

The Panel hereby warns you that your conduct should be exemplary whilst holding your Licence"

(b) Applicant Two

The Panel was informed that the applicant would not be able to attend the Hearing because of prior work commitments.

After receiving advice from the Solicitor to the Council, the Panel considered whether it should proceed to consider the application in the applicant's absence, and it was

RESOLVED:

That, in the interests of natural justice, the application be deferred and considered at a future meeting of the Taxi Panel.

The Chairman gave the reasons why the Panel had deferred the application: -

“The Panel understands that it was for reasons of work, and specifically whilst under a period of probation in a new job, that the applicant was unable to attend the Hearing.

The Panel is obliged to have reference to the Government Guidance when reaching its decision and the Criminal Records Bureau (CRB) disclosure and DVLA record raised some issues which required the applicant's attendance at the Hearing.

Because the applicant was unable to attend the Hearing, the Panel was prevented from asking questions regarding the CRB disclosure and DVLA record. However, in the interests of natural justice, the Panel will provide the applicant with another opportunity to attend a Hearing to consider her application.

The Panel wishes to emphasise that the applicant should make every effort to attend any future Hearing to consider her application.”

Chairman