

# TAXI PANEL

**Date:** 24 July 2009

**Venue:** East Northamptonshire House, Cedar Drive, Thrapston

**Time:** 9:30am

**Present:** Councillors: -

Glenn Harwood (Chairman)  
Peter MacGovern

Brian Northall

## **PART A ITEMS**

### **1. APPOINTMENT OF CHAIRMAN**

#### **RESOLVED:**

That Councillor Glenn Harwood be appointed Chairman for this Hearing.

### **2. APOLOGIES**

Mrs Julia Smith, the Council's Licensing Officer, sent her apologies.

### **3. DECLARATIONS OF INTEREST**

No interests were declared.

### **4. EXCLUSION OF PUBLIC AND PRESS**

#### **RESOLVED:**

That the public and press be excluded from the meeting during consideration of the following item 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 THE RENEWAL OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE**

The Commercial Health Officer reported on an application for the renewal of 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.

The Criminal Records Bureau check showed no recent convictions. However, the application revealed that the applicant had been convicted on 8 January 1996 of a drink driving offence which had occurred on 1 December 1995, for which he was fined £300 and disqualified from driving for 18 months. This conviction had been considered at a Licensing Panel Hearing

held on 26 July 2007, where the applicant was granted a Hackney Carriage and Private Hire Driver's Licence for 2 years. The applicant had obtained his first Driver's Licence in April 2001.

The Panel noted that the applicant had also disclosed two speeding offences in 2001 and 2004 on his application.

The applicant spoke in support of his application and answered questions from the Panel about the circumstances of the previous conviction and two speeding offences.

After considering the Officer's report and the 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 the renewal of a Hackney Carriage and Private Hire Driver's Licence be granted for two years with standard conditions.

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

"The Panel carefully considered the application for the renewal of a Hackney Carriage and Private Hire Driver's Licence and reached the decision to grant the Licence for a period of two years.

The Panel had reference to the Government Guidance when making its decision and the reasons for granting the application are as follows: -

1. The Panel noted the drink driving offence for which the applicant had been convicted in 1996 and whilst serious, considered that the conviction was sufficiently dated and therefore carried limited weight in the decision making process.
2. The Panel also noted the two convictions for speeding but also considered that they were sufficiently dated.
3. The Panel wished to emphasise that the safety of the public was paramount and therefore warned the applicant most strongly that should he be convicted of any offence under the East Northamptonshire Council Terms and Conditions for Hackney Carriage and Private Hire Drivers, this could result in a review of his Licence which could then be revoked.
4. The Panel wished to stress the importance it placed on individuals who drove members of the public for a living being fully compliant at all times with all aspects of the law".

The Chairman mentioned that the Panel's decision would be sent in writing to the applicant within 21 days, and that he also had the right of appeal to the Magistrates Court within 21 days of receiving the Decision Notice if he did not agree with the Panel's decision.

**Chairman**

# TAXI PANEL

**Date:** 14 August 2009

**Venue:** East Northamptonshire House, Cedar Drive, Thrapston

**Time:** 9:30am

**Present:** Councillors: -

Richard Gell  
Glenn Harwood (Chairman)

Gill Mercer

## **PART A ITEMS**

### **1. APPOINTMENT OF CHAIRMAN**

#### **RESOLVED:**

That Councillor Glenn Harwood be appointed Chairman for this Hearing.

### **2. APOLOGIES**

Mrs Julia Smith, the Council's Licensing Officer, sent her apologies.

### **3. DECLARATIONS OF INTEREST**

No interests were declared.

### **4. EXCLUSION OF PUBLIC AND PRESS**

#### **RESOLVED:**

That the public and press be excluded from the meeting during consideration of the following item 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 THE RENEWAL OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE**

The Commercial Health Officer reported on an application for the renewal of 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.

The Criminal Records Bureau disclosure revealed that the applicant had been given a caution on 2 March 2002 for possessing controlled drugs with intention to supply (class not specified) on 26 November 2001. This matter had been previously considered at a Taxi Panel Hearing on 15 July 2008, where a Hackney Carriage and Private Hire Driver's Licence

was granted for twelve months with standard conditions.

The Panel noted that the applicant had been convicted of two speeding offences for 24 June and 9 November 2005.

The applicant spoke in support of his application and answered questions from the Panel about the circumstances of the caution and the two speeding offences.

After considering the Officer's report and the 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 the renewal of a Hackney Carriage and Private Hire Driver's Licence be granted for two years with standard conditions.

The Chairman read out the following statement giving the reasons why the Panel had granted the application with standard conditions: -

"The Panel had reference to the Government Guidance when making its decision and the reasons for granting the application were as follows:-

The Panel: -

- (a) noted the caution given to the applicant on 2 March 2002, which was issued for a serious offence. However, the Panel considered that the caution was sufficiently dated and that it carried limited weight when making its decision.
- (b) also noted the two convictions for speeding in 2005 but again considered that they were sufficiently dated.
- (c) wished to emphasise the safety of the public was paramount and warned the applicant that, should he be convicted of any offence under the prescribed offences list in East Northamptonshire Council's Terms and Conditions for Hackney Carriage and Private Hire Drivers, this could result in a review of his Licence and it could be revoked.
- (d) wished to stress the importance it placed on individuals who drove members of the public for a living being fully compliant at all times with all aspects of the law.

The Panel also appreciated the applicant being candid in his responses to its questions and that he had expressed regret for those actions leading to the caution."

The Chairman mentioned that the Panel's decision would be sent in writing to the applicant within 21 days, and that he also had the right of appeal to the Magistrates Court within 21 days of receiving the Decision Notice if he did not agree with the Panel's decision.

**Chairman**

# TAXI PANEL

**Date:** 7 September 2009

**Venue:** East Northamptonshire House, Cedar Drive, Thrapston

**Time:** 10:00am

**Present:** Councillors: -

Richard Gell  
Glenn Harwood (Chairman)

Brian Northall

## **PART A ITEMS**

### **1. APPOINTMENT OF CHAIRMAN**

#### **RESOLVED:**

That Councillor Glenn Harwood be appointed Chairman for this Hearing.

### **2. MINUTES**

The minutes of the meetings held on 24 July and 14 August 2009 were approved and signed by the Chairman.

### **3. DECLARATIONS OF INTEREST**

No interests were declared.

### **4. EXCLUSION OF PUBLIC AND PRESS**

#### **RESOLVED:**

That the public and press be excluded from the meeting during consideration of the following item 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 PROPRIETOR'S LICENCE**

The Licensing Officer reported on an application for a Hackney Carriage Proprietor's Licence under the Local Government (Miscellaneous Provisions) Act 1976.

An application for a Hackney Carriage Proprietors Licence was submitted by the applicant on 3 July 2009. The original application was incomplete and a complete application was then made on 6 August 2009. The applicant had applied for a Licence Plate (for a non-wheelchair accessible vehicle) which she understood was available at that time.

The Council's existing policy on new Hackney Carriage Proprietor's Licences allows any suitable person who provides an acceptable wheelchair accessible vehicle to apply for a Proprietor's Licence. However when the policy was introduced in 2000, the existing thirty six vehicles were allowed to remain as saloon vehicles (i.e. non-wheelchair accessible) indefinitely.

At the end of June 2009, the proprietor of a Licence Plate (one of the original thirty six licensed non-wheelchair accessible vehicles) returned the Plate to the Council. The Council then wrote to the proprietor stating that the Plate would be made available to 'the trade' on a first come first served basis. The correspondence was with the proprietor only and no formal announcement or notification had been made to other proprietors in the district. The Council was then made aware of a sale that had taken place involving the vehicle and Plate.

To ensure that it had acted correctly in this matter, the Council sought external expert legal opinion, which stated that the action taken by the Council had been incorrect and that the transaction had been legal, effectively allowing the transfer of the Licence Plate to the new proprietor to take place. The Plate was then transferred to the new proprietor following this advice. No other Plate was available, or would be made available to the rest of the trade and this remains the case today.

On 5 August 2009 the applicant had attended a meeting with Mike Deacon, the Head of Environmental Services, to discuss her application. At this meeting, it was made clear that there was no other Licence Plate (for a non-wheelchair accessible vehicle) available for her or anyone else to apply for; that the statement made in the letter sent to the original proprietor of the Plate was, following legal advice, incorrect; and that the matters which led to the original suspension were being investigated and would be dealt with separately. These issues were confirmed in writing to the applicant after the meeting and she was also advised to consider whether to proceed with her application because the type of Licence she was applying for was not currently available and the matter of the accompanying fee. However, despite this advice, the applicant had confirmed her application on 6 August 2009 and requested that it should proceed.

At the Hearing, the applicant was represented by Brian Tompkins and he spoke in support of her application. He stated that the application had been submitted because the applicant had understood that a Licence Plate for a non wheelchair accessible vehicle was available to purchase at the time of the application on 3 July 2009. The application had been made in good faith after meeting Robert Rowland, Commercial Health Officer on 3 July 2009, who administered the Council's Hackney Carriage Proprietor's Licence applications.

The applicant also spoke in support of her application and answered questions from the Panel about her reasons for making the application. She stated that she thought that she had paid for a Licence and had submitted a complete application on 3 July. The Licensing Officer confirmed that the applicant had paid the standard fee for this type of Licence and that the application made on 3 July had been incomplete.

The Hearing was adjourned for a short period whilst Robert Rowland was summoned to clarify an issue before the Panel. He confirmed that he had offered advice and guidance to the applicant and that it was not within his remit to grant a Licence in this case.

The Licensing Officer requested that the Panel consider the:

- application for a Hackney Carriage Proprietor's Licence for a vehicle that did not comply with the specification for wheelchair accessibility and that no Proprietor's Licences were currently available
- Council's current policy which strictly limited the number of Hackney Carriage

Vehicles (to thirty six) which could operate without satisfying the wheelchair accessibility specification. This policy would be reviewed, together with the specification for vehicles, by the Policy and Resources Committee later this year after further guidance had been received from the Government

- applicant had been given the opportunity (at the meeting on 5 August 2009) of not proceeding with the application and incurring the costs of applying
- fees paid by the applicant and whether they should be refunded.

After considering the Officer's report and the representations made by the applicant, Brian Tompkins and Robert Rowland, 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 Proprietor's Licence be refused.

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

"The Panel had reference to the East Northamptonshire District Council Policy for Limiting Non-wheelchair Accessible Hackney Carriages and the Department of Transport Best Practice Guidance on Disabled Accessibility for Hackney Carriages.

The reasons for refusing the application were as follows: -

The Council's current policy strictly limits the number of Hackney Carriage Vehicles that can operate without satisfying the wheelchair accessibility specification. This policy was to be reviewed, together with the specification for these vehicles, by the Council's Policy and Resources Committee in the future and after further guidance had been received from the Government.

The Council had a responsibility to work on proposals that would substantially improve Taxi provision for people with disabilities. With that in mind, the Panel saw no benefit in increasing the numbers of non-wheelchair accessible Hackney Carriage Vehicles.

The Panel was conscious that the Council had made some errors in the processing of this case but considered that there were no exceptional circumstances that would justify a departure from the existing policy.

The Panel was concerned that despite the applicant having received advice not to proceed further with the application, because there was no Licence Plate available, she chose to continue with the process and had incurred additional costs. Consequently, the Panel did not agree to a refund of the application charge."

The Chairman mentioned that the Panel's decision would be sent in writing to the applicant within 21 days and that she would also be advised about her right of appeal to the Crown Court if she did not agree with the Panel's decision.

**Chairman**

# TAXI PANEL

**Date:** 11 September 2009

**Venue:** East Northamptonshire House, Cedar Drive, Thrapston

**Time:** 9:30am

**Present:** Councillors: -

Brian Northall  
Andy Mercer

Anna Sauntson (Chairman)

## **PART A ITEMS**

### **1. APPOINTMENT OF CHAIRMAN**

#### **RESOLVED:**

That Councillor Anna Sauntson be appointed Chairman for this Hearing.

### **2. MINUTES**

The Minutes of the meetings held on 9 April and 15 June 2009 were approved and signed by the Chairman.

### **3. DECLARATIONS OF INTEREST**

No interests were declared.

### **4. EXCLUSION OF PUBLIC AND PRESS**

#### **RESOLVED:**

That the public and press be excluded from the meeting during consideration of the following item 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 THE RENEWAL OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE**

The Licensing Officer reported on an application for the renewal of 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.

The Criminal Records Bureau disclosure revealed that the applicant had been convicted on 8 February 2001 of driving a motor vehicle with excess alcohol on 19 December 2000. He was fined £110 and disqualified from driving for 12 months. This matter had been previously



considered at a Licensing Panel Hearing on 12 July 2007, where a Hackney Carriage and Private Hire Driver's Licence was granted for two years with standard conditions.

A short term Licence was issued to the applicant on 12 July 2009 to enable him to keep working until the application had been considered by this Panel.

The applicant spoke in support of his application and answered questions from the Panel about the circumstances of the conviction.

After considering the Officer's report and the 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 the renewal of a Hackney Carriage and Private Hire Driver's Licence be granted for two years with standard conditions.

The Chairman read out the following statement giving the reasons why the Panel had granted the application with standard conditions: -

"The Panel had reference to the Government Guidance when making its decision and the reasons for granting the application were as follows:-

The Panel: -

- (a) noted the drink driving offence for which the applicant was convicted in February 2001 and whilst serious, considered that the conviction was sufficiently dated and therefore carried limited weight in the decision making process.
- (b) wished to emphasise the safety of the public was paramount and warned the applicant that, should he be convicted of any offence under the prescribed offences list in East Northamptonshire Council's Terms and Conditions for Hackney Carriage and Private Hire Drivers, this could result in a review of his Licence and it could be revoked.
- (c) wished to stress the importance it placed on individuals who drove members of the public, including young and vulnerable persons for a living, being fully compliant at all times with all aspects of the law."

The Chairman mentioned that the Panel's decision would be sent in writing to the applicant within 21 days and that he would also be advised about his right of appeal to the Magistrates Court if he was aggrieved with the Panel's decision.

**Chairman**