

TAXI PANEL

Date: 30 September 2009

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:00am

Present: Councillors: -

Richard Gell
Andy Mercer

Brian Northall
Rupert Reichhold

Note: Councillor Andy Mercer was present for Agenda Item 4(a) only and Councillor Reichhold was present for Agenda Item 4(b) only.

PART A ITEMS

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Andy Mercer be appointed Chairman of the Panel until item 4(b) and that Councillor Northall be appointed Chairman for item 4(b) only.

2. DECLARATIONS OF INTEREST

Councillor Andy Mercer declared a personal and prejudicial interest in item 4(b) because he owned a property adjacent to the speed camera (which he had campaigned for) in Wellingborough Road, Rushden, which had caught the driver speeding. He left the meeting before item 4(b) was considered by the Panel.

3. 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.

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

The Licensing Officer reported on two applications for the renewal 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 Records Bureau disclosure revealed no offences. However, the DVLA Data Subject Report revealed a fixed penalty with three points for using a mobile phone whilst driving a motor vehicle on 24 January 2008.

The applicant included the CU80 fixed penalty and a drink driving offence in 1989 on her application form which was not shown on the DVLA Data Report.

The applicant spoke in support of her application and answered questions from the Panel about the circumstances of the 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:

- (i) noted the fixed penalty given to the applicant on 24 January 2008, issued for a serious offence of using a mobile phone without a hands free kit whilst driving a taxi;
- (ii) also noted the previous conviction for drink driving but considered that it was sufficiently dated;
- (iii) wished to emphasise that the safety of the public was paramount and warned the applicant that should she be convicted of any offence under the prescribed offences list of East Northamptonshire Council's Terms and Conditions for Hackney Carriage and Private Hire Drivers, it could result in her licence being revoked; and
- (iv) 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 appreciated that the applicant had been candid in her responses to its questions. It was also noted that she had expressed concern and remorse, together with a realisation that her actions had led to the convictions."

The Applicant promised the Panel that she would no longer have a mobile phone in her car switched on, unless it was used in conjunction with a hands free telephone system.

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

Councillor Andy Mercer left the meeting before the next item was considered by the Panel.

(b) Applicant Two

The Criminal Records Bureau disclosure revealed no offences. However, the DVLA Data Subject Report revealed three current endorsements for speeding.

The applicant spoke in support of his application and answered questions from the Panel about the circumstances of the speeding offences. The owner of the taxi company who employed the applicant also spoke in support of the applicant.

After considering the Officer's report and the representations made by the applicant and the owner of the taxi company, 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:

- (i) noted the three speeding convictions which had been gained within eight days on 26 June, 1 and 3 July 2008, from the same speed camera. However, whilst serious, the Panel considered that there had been no subsequent convictions and that the applicant had learnt from his mistakes showing sincere regret;
- (ii) wished to emphasise that the safety of the public was paramount and therefore warned the applicant that should he be convicted of any offence as shown in the prescribed offences list of East Northamptonshire Council's Terms and Conditions for Hackney Carriage and Private Hire Drivers, it could result in his licence being revoked; and
- (iii) 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 appreciated that the applicant had been candid in his responses to its questions. It also noted that he had expressed regret for those actions which had led to the convictions."

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

Chairman

TAXI PANEL

Date: 9 October 2009

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:00am

Present: Councillors: -

Albert Campbell (Chairman)
Richard Gell

Anna Sauntson

PART A ITEMS

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Albert Campbell 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 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.

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

The Licensing Officer reported on two applications for the renewal 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 Records Bureau disclosure received on 28 September 2009 revealed that on:

(i) 10 November 1982 the applicant was:

convicted of driving a conveyance knowing it to have been taken without authority for which he was fined £5 and his licence endorsed;

fined £5 and his licence endorsed for an undisclosed offence which he did not include at Question 1 on his application form; and

given a conditional discharge of 12 months for a further undisclosed offence and his licence endorsed. This offence was not included at Question 6 on his application form.

(ii) 23 March 1984 the applicant was convicted of:

attempted burglary with intention to steal from a non dwelling and was given a two year Probation Order; and

burglary and theft from a dwelling and was given a concurrent two year Probation Order and ordered to pay £16 compensation. This offence was not included at Question 6 on the application form.

(iii) 13 December 1985 the applicant was convicted of arson and was given a two year Probation Order.

(iv) 24 November 1997 the applicant received a caution for criminal damage and was also given a caution for using threatening, abusive and insulting words or behaviour with the intention to cause fear or provocation of violence.

The Panel noted that the applicant had been granted a Driver's Licence for one year in 2008 and that he had been convicted of two speeding offences in July 2006 and October 2007.

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

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:

(i) noted with concern the two speeding convictions. However, whilst serious, the Panel considered that there had been no subsequent convictions since 2007;

(ii) wished to emphasise the safety of the public was paramount and therefore warned the applicant that should he be convicted of any offence under the East Northamptonshire Council Terms and Conditions for Hackney Carriage and Private Hire Drivers, it could result in her licence being revoked; and

(iii) 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 would also be advised about his right of appeal to the Magistrates Court if he was aggrieved with the Panel’s decision.

(a) Applicant Two

The Criminal Records Bureau disclosure issued on 4 September 2009 revealed no offences. However, the DVLA Data Subject Report revealed a fixed penalty with 3 points dated 28 July 2007 for using a mobile phone while driving a motor vehicle. The applicant had included the fixed penalty and a fixed penalty of 3 points for a speeding offence in November 2007 on his application form.

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

- (i) noted the fixed penalty given to the applicant on 28 July 2007, issued for the serious offence of using a mobile phone without a hands free kit whilst driving a taxi;
- (ii) also noted the previous conviction for speeding in November 2007;
- (iii) wished to emphasise that the safety of the public was paramount and warned the applicant that should he be convicted of any offence under the prescribed offences list of East Northamptonshire Council’s Terms and Conditions for Hackney Carriage and Private Hire Drivers, it could result in his Licence being revoked; and
- (iv) 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, especially with regard to the use of mobile phones whilst driving.

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

TAXI PANEL

Date: 28 October 2009

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Richard Gell
Gill Mercer

Brian Northall (Chairman)

PART A ITEMS

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Brian Northall 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 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.

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

The Licensing Officer reported on two applications for the renewal 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 Records Bureau disclosure revealed that the applicant had been given a caution for the offence of Theft (shoplifting) on 26 May 2005.

A similar application made by the applicant had been approved at a Licensing Panel two years ago.

The Panel noted that a short term Licence had been issued to enable the applicant to

continue to work until 18 December 2009.

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

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:

1. Noted with concern the caution for theft in May 2005. However, whilst serious, the Panel also noted that there had been no subsequent convictions or cautions.
2. Wished to emphasise that the safety of the public was paramount and warned the applicant that should she be convicted of any offence under the prescribed offences list of East Northamptonshire Council's Terms and Conditions for Hackney Carriage and Private Hire Drivers, it could result in her Licence being revoked.
3. 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.
4. Also wished to stress that honesty was vital because passengers placed their trust in the driver of a hackney carriage or private hire vehicle."

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

(a) Applicant Two

The Criminal Records Bureau disclosure revealed that the applicant had been given a conditional discharge for 12 months on 28 November 1996 with £50 costs for the offence of obstructing the Police.

A similar application made by the applicant had been approved at a Licensing Panel two years ago.

The Panel noted that a short term Licence had been issued to enable the applicant to continue to work until her application had been considered by a Taxi Panel.

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

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:

1. Noted with concern the conviction for obstructing the Police in November 1996. However, whilst serious, the Panel also noted that there had been no subsequent convictions or cautions.
2. Wished to emphasise that the safety of the public was paramount and warned the applicant that should she be convicted of any offence under the prescribed offences list of East Northamptonshire Council's Terms and Conditions for Hackney Carriage and Private Hire Drivers, it could result in her Licence being revoked.
3. 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 also advised about her right of appeal to the Magistrates Court if she was aggrieved with the Panel's decision.

Chairman

TAXI PANEL

Date: 17 November 2009

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 2:00pm

Present: Councillors: -

Albert Campbell (Chairman)
Richard Gell

Peter MacGovern

PART A ITEMS

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Albert Campbell be appointed Chairman for this Hearing.

2. DECLARATIONS OF INTEREST

No interests were declared.

3. MINUTES

The Minutes of the meeting held on 9 October 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 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. APPLICATIONS FOR NEW HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES

The Licensing Officer reported on two applications for new 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 Records Bureau Disclosure revealed that the applicant had been convicted on

13 October 2003 of:

- (i) driving a motor vehicle with excess alcohol on 7 October 2003. He was disqualified from driving for 18 months and fined £400 with £43 costs; and
- (ii) using a vehicle whilst uninsured and driving otherwise than in accordance with a licence on 7 October 2003. No separate penalty was awarded but his driving licence had been endorsed.

The applicant had also been cautioned on 16 February 2002 for possessing controlled drugs on 15 February 2002.

Members noted that the applicant had:

- answered 'No' at Question 6 on his application form asking whether a caution had ever been issued
- only disclosed the drink driving conviction on his application form.

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

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 a new 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:

1. Noted with concern, the convictions for drink driving and driving without insurance. However, whilst serious, the Panel considered that there had been no subsequent convictions since 2003.
2. Emphasised that the safety of the public was paramount and warned the applicant that should he be convicted of any offence under the prescribed offences list of East Northamptonshire Council's Terms and Conditions for Hackney Carriage and Private Hire Drivers, it could result in his Licence being revoked.
3. Stressed 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 appreciated that the applicant had been candid in his responses to their questions. It also noted that he had expressed regret for the actions that had led to the convictions."

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

(b) Applicant Two

The Criminal Records Bureau disclosure had revealed no offences. However, the applicant had been photographed going through a red traffic light in Northampton on 10 September 2009. The offence had not yet appeared on his DVLA Licence or DVLA history.

In a letter dated 29 October 2009, the applicant had admitted the offence of failing to stop at the red traffic lights on 10 September 2009. Members were informed that this offence was listed under the Council's Licence Conditions Schedule of Offences.

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

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 a new 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:

1. Noted the applicant's admission of failing to stop at red traffic lights.
2. Emphasised that the safety of the public was paramount and warned the applicant that should he be convicted of any offence under the prescribed offences list of East Northamptonshire Council's Terms and Conditions for Hackney Carriage and Private Hire Drivers, it could result in his Licence being revoked.
3. Stressed 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 had a right of appeal to the Magistrates Court if he was aggrieved with the Panel's decision.

Chairman

TAXI PANEL

Date: 27 November 2009

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 2:00pm

Present: Councillors: -

Albert Campbell
Richard Gell

Andy Mercer (Chairman)

PART A ITEMS

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Andy Mercer be appointed Chairman for this Hearing.

2. DECLARATIONS OF INTEREST

No interests were declared.

3. MINUTES

The Minutes of the meeting held on 30 September 2009 were approved (up to Minute 4(a) only) and signed by the Chairman.

(Note: Minute 4(b) would need to be signed by Councillor Northall (who had been appointed Chairman for that item only) at a future meeting of the Taxi Panel.)

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 NEW HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer reported on an application for a new 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 and the DVLA Data Subject Report had revealed no offences. However, the applicant had admitted three offences of driving without insurance on the application form, which had not shown up on the DVLA Report. Members requested that letter be sent to the DVLA for an explanation as to why the offences had not appeared on the applicant's DVLA Report.

The applicant spoke in support of his application and answered questions from the Panel about the circumstances of the offences. He explained that he had been caught driving without insurance on three occasions in 2003 and 2004, when he was younger and less responsible. He had not offended since then and confirmed that he had had a full DVLA driving licence since 2002.

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 a new 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 had granted the application for the following reasons: -

The Panel:

1. Noted the three convictions for driving without insurance. However, whilst concerned, the Panel considered that they had occurred some time ago and there had been no subsequent convictions since 2004.
2. Wished to emphasise that the safety of the public was paramount and warned the applicant that should he be convicted of any offence under the prescribed offences list of East Northamptonshire Council's Terms and Conditions for Hackney Carriage and Private Hire Drivers, it could result in his Licence being revoked.
3. 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 appreciated the applicant being candid in his responses to their questions. It also noted that he had expressed regret for those actions resulting in the convictions."

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

Chairman