

# 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**