

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.

(a) 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