

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 09 January 2017

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 10.00am

Present: Councillors: -

Tony Boto
Pam Whiting

Richard Gell

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Tony Boto be appointed Chairman of the Panel for the Hearing.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

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. CONSIDERATION OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

(The Licence Holder was present at the Hearing)

The Licensing Enforcement Officer reported that on 16 November 2016, she had been informed that she would be receiving a complaint concerning an East Northamptonshire taxi driver. Northamptonshire County Council (NCC) confirmed that an incident had occurred on 14 November 2016 when a taxi driver had allegedly carried seven children on a school contract in a vehicle licensed to carry six passengers.

Following investigation a report was received from NCC and the Licence Holder was then interviewed by the Licensing Enforcement Officer and Senior Environmental Health Officer.

A representative from Alco Taxis was also present.

The Licence Holder admitted that on 14 November 2016, he had arrived at a school contract and there had been seven children at the pick up point rather than the usual five or six. He stated that he had already heard on the radio that a driver had called in sick and there had also been a vehicle breakdown. He did not call the taxi company for another vehicle to be sent as he already knew that there were no cars available to pick up the extra child. He then made the decision to put one of the children in the back of the vehicle on a booster seat with no seatbelt. The Licence Holder was no longer working on NCC contracts.

Following the interview, the Licence Holder was sent a letter dated 24 November 2016, giving him penalty points for the following:

Carrying more persons than permitted by the vehicle licence – 8 points.

The driver of a licensed vehicle failing to ensure the safety of the persons conveyed in or entering or alighting from the vehicle – 6 points.

The Licence Holder appealed the decision of the points to the Head of Environmental Services; however the penalty points decision was upheld. The Licence Holder had now accumulated more than 12 points within a two year period and was therefore required to appear before a Licensing Panel.

The Licensing Enforcement Officer circulated a photograph of the interior of a similar vehicle to aid the Panel's understanding.

The Panel did not ask any questions of the Licensing Enforcement Officer.

The Chairman invited the Licence Holder to address the Panel in support of his licence.

The Licence Holder stated that he had picked up a vehicle from the taxi company on the previous afternoon. He had been given four contracts for the Monday and at the second contract there had been seven children waiting at the pick up point. He was aware that one of the other drivers was off sick and had heard over the radio that there had been two vehicle breakdowns. He did not telephone the office as he knew that an additional car was not available. Also, if he had decided to return for the additional child that could have taken up to 30 minutes. He accepted that he had made the wrong decision but he wanted to get the child to school and get to his next contract on time. He used the booster seat in the car as he did not want the child to be standing alone in cold, windy weather not knowing what time they would be picked up. He had been driving for around 6/7 years and was not aware of any other complaints made about him. He accepted that he had made a bad mistake.

In response to questions from the Panel, the Licence Holder confirmed that the number of children for the contract was seven, however when he had undertaken that particular contact previously there had only been five children and another two children had since been added. He clarified that he was unaware that there would be seven children until he had arrived and rather than leave one child, he made the decision to take all the children. He confirmed that he worked for the taxi company on an as when needed basis. He explained that he had placed the booster seat between the two back seats and accepted that if there had been an accident the seat would have moved. He fully accepted that he had made a mistake and assured the Panel that it would never happen again.

The Licensing Enforcement Officer clarified that the contract was with the taxi company and not the Licence Holder and it was their responsibility to send the right number of vehicles. The taxi company had been penalised and had now lost the contract.

The Licensing Enforcement Officer did not ask any questions of the Licence Holder.

The Panel adjourned at 10.22am to make a decision and re-convened at 11.20am to announce the decision as follows:

RESOLVED

The Panel has carefully considered the report by East Northamptonshire Council's Licensing Enforcement Officer to determine the fitness of the licence holder.

In reaching its decision, the Panel had regard to:

- Local Government (Miscellaneous Provisions) Act 1976
- ENC Licensing Policy for Hackney Carriage and Private Hire Drivers
- ENC Private Hire Operators/Drivers Private Hire Vehicles (Terms and Conditions)
- ENC Hackney Carriages/Byelaws (Terms and Conditions)
- Email from the Transport Inspector of Northamptonshire Highways regarding the outcome of the investigation of the licence holder.
- The report from the East Northamptonshire Council's Licensing Enforcement Officer
- Photographic evidence of the seating layout of a similar vehicle.

The Panel has unanimously reached the decision that, on a balance of probability, the Licence Holder remains a fit and proper person to continue being licensed as a private hire/hackney carriage driver. The Panel had noted that the penalty points issued for the offences associated with the event on 14 November 2016 carry a total of 14 points and these points will remain on his taxi record for a period of two years.

The Panel have therefore decided to issue a written warning reminding the Licence Holder that any future breaches of the licensing conditions would lead to a further review of the licence.

The reasons for this decision are:-

- The Panel have taken into consideration the Licence Holder's explanation of the events on the 14 November 2016.
- The Panel noted that an unsuitable vehicle was provided to the Licence Holder by Alco Taxis (employers). This resulted in the Licence Holder collecting seven children in a six seater vehicle which endangered the children being carried in this vehicle.
- The Panel acknowledged the fact that the Licence Holder would not have been aware that the vehicle was unsuitable on this occasion, as previously he had only collected five or six children.
- The Panel appreciated the Licence Holder's honesty in admitting he had made a poor decision and accepted his reassurance that this will not happen again.

The Decision Notice will be sent out in writing. If aggrieved with the Panel's decision, the License Holder and any Party that has made representation has the Right to Appeal to the Magistrates Court within 21 days of the Decision Notification letter.

Chairman