

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 4 September 2017

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 10.00am

Present: Councillors: -

Barbara Jenney
Dorothy Maxwell

Peter Wathen

(With the consent of the licence holder, two Members of the Licensing Committee, Councillors Glenvil Greenwood-Smith and Steven North, attended the Hearing as observers).

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Peter Wathen 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 Applicant, together with an interpreter and a representative of the operator for whom the licence holder worked, were present at the Hearing).

Report of the Licensing Enforcement Officer (LEO)

The LEO reported that on 12 June 2017 she had been contacted by a licenced taxi operator in the District concerning an incident which had occurred on the A14 near Titchmarsh on 10 June 2017 involving one of their drivers. The driver had entered the incorrect slip road and had driven onto the wrong carriageway of the A14 into the path of on-coming traffic.

A passenger in the taxi at the time of the incident had provided a witness statement regarding the incident and had contacted the Police. Northamptonshire Police had interviewed the driver under caution on 1 August 2017 and had sent the LEO a report of the incident and their enquiries, although it was not known at the time of the Hearing whether the licence holder would be charged with any driving offence.

On 13 June 2017 the LEO had interviewed the licence holder who had given his account of events and had confirmed that he had indeed driven onto the wrong carriageway of the road.

On 28 June 2017 the LEO had been contacted by another passenger in the vehicle at the time of the incident in question who had also provided a witness statement.

Video footage of the junction which the driver had entered incorrectly was shown to the Panel. The video confirmed that there was no street lighting at the junction and only one "no entry" sign was in place.

The licence holder had been sent a letter on 15 August 2017 imposing 12 penalty points under the Council's penalty points scheme in relation to the incident. The Hearing had been convened as the licence holder had thus accumulated twelve points within a two year period and was therefore required to appear before the Panel.

Questions to the Licensing Enforcement Officer from the licence holder

The licence holder confirmed that he had no questions to put to the LEO.

Questions to the Licensing Enforcement Officer from the Panel

In response to questions from the Panel, the LEO confirmed that the licence holder had not appealed against the imposition of the penalty points under the Council's penalty points scheme.

Licence holder's address to the Panel

Through his interpreter, the licence holder informed the Panel that he had been driving for more than 25 years and had not been involved in any incident of this nature previously. The design and absence of lighting at the junction reducing visibility had contributed to him taking the incorrect slip road, although the licence holder acknowledged that it was his error.

The licence holder stated that there had been no other complaints made against him while he had worked as a taxi driver and he needed the job in order to support his family.

Questions to the licence holder from the Licensing Enforcement Officer

The LEO had no questions to put to the licence holder.

Questions to the licence holder from the Panel

In response to questions put by the Panel, the licence holder stated that he could not read English and relied on the satellite navigation system for directions.

There were different accounts of the circumstances surrounding the incident in question between that given by the licence holder and those given by the other witnesses. The licence holder stated that both he and the passenger realised at the same time that they were travelling in the wrong carriageway and he had not needed to be alerted to this by the passenger. Only a female passenger in the rear of the vehicle had said anything at the time, not the front seat passenger.

The licence holder informed the Panel that he had travelled between 100 – 200 yards before being able to make a safe U-turn. He had not travelled 2 miles as indicated by the witnesses. The LEO indicated that after the U-turn, Mr Ceren had missed two junctions and turned to go back in the right direction (towards Sudborough) at the roundabout further down the A14.

The licence holder stated that there had been no vehicles at the junction when he had incorrectly entered it and only one car had passed his vehicle before the u-turn had been made. Contrary to the witness statements, there had not been a lorry approaching his vehicle as he travelled on the wrong carriageway.

The licence holder confirmed that he had been working for 6 – 7 hours on 10 June prior to the incident occurring.

Final statement from the Licensing Enforcement Officer

In response to questions put by the Panel to the licence holder earlier in the Hearing regarding the licence holder's language skills and standard of eyesight, the LEO stated that in order to obtain the driver's licence, the licence holder had passed the knowledge test and eyesight was tested as part of the medical examination which the licence holder had passed in 2015.

Final statement from the licence holder

The licence holder made a final statement reiterating his need to continue working as a taxi driver and repeated his acknowledgement that he had made an error in taking the incorrect slip-road.

At 10.43am the Panel adjourned to make their decision.

The Panel reconvened at 12.13pm to announce their decision.

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 Penalty Points Scheme
- ENC Criminal Records Policy
- Photographic evidence of the incident
- Two Witness Statements
- Report from Northamptonshire Police
- The report from the East Northamptonshire Council's Licensing Enforcement Officer
- Video footage of the junction
- Letter to the Licence Holder
- Submissions made by the Licence Holder through his interpreter.

The Panel has reached a majority decision that, on a balance of probability, the Licence Holder is not a fit and proper person to continue being licensed as a hackney carriage and private hire driver. The Panel had noted that the penalty points issued for the offence associated with this incident occurred on 10 June 2017 carry a total of 12 penalty points.

The Panel have therefore decided to immediately revoke the licences in the interests of public safety, pursuant to Section 61 (2B) Local Government (Miscellaneous Provisions) Act 1976.

The reasons for this decision are:-

- The Panel appreciated the Licence Holders honesty in admitting he had made an error of judgement and also noted his previous good record. However, the Panel felt that this was a very serious incident of reckless and dangerous driving for which he has received immediately the maximum of 12 penalty points under ENC's Penalty Points Scheme.
- The Panel also felt that the four passengers' safety was put at serious risk by the Licence Holder driving on the incorrect side of a dual carriageway.

In reaching this decision, the Panel have taken into consideration the Licence Holders explanation of the incident which occurred on the 10 June 2017 and also considered the full agenda pack and report provided by the Licensing Enforcement Officer.

The Decision Notice will be sent out in writing. If aggrieved with the Panel's decision, the Applicant 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

Addendum

Following the conclusion of the Hearing, the immediate revocation of the licence was clarified by the Chairman of the Panel to allow the licence holder to continue to hold his licence for a period of 21 days pending his decision to lodge an appeal.