

# LICENSING (TAXI AND MISCELLANEOUS) PANEL

**Date:** 6 September 2010

**Venue:** East Northamptonshire House, Cedar Drive, Thrapston

**Time:** 9:30am

**Present:** Councillors: -

Peter MacGovern  
Brian Northall (Chairman)

Robin Underwood

## 1. APPOINTMENT OF CHAIRMAN

### RESOLVED:

That Councillor Brian Northall be appointed Chairman for this Hearing.

## 2. MINUTES

The minutes of the meeting of the Licensing (Taxi and Miscellaneous) Panel held on 26 August 2010 were approved and signed by the Chairman.

## 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. APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer reported on an application for a 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 applicant attended the Hearing and the Criminal Records Bureau (CRB) disclosure revealed that he had received a number of convictions for various offences on the following dates:

(i) 7 August 1997 - Possession of Class 'B' Drug Cannabis Resin with Intent to Supply on 25 April 1997. Received a Community Service Order for 80 hours; Combination Order; and Probation Order for 12 months. With costs of £50.00 and forfeiture/confiscation and destruction of Cannabis.

(ii) 30 March 1998 - Breach of Combination Order on 20 February 1998. Resulting from original conviction of 7 August 1997.

(iii) 2 February 1999 - Attempted burglary and theft from a dwelling on 27 March 1998. Probation Order for 18 months, with costs of £100.00.

(iv) 12 April 1999:

(a) Failing to provide a specimen of breath on 2 January 1999. Probation Order for 18 months. Disqualification from driving for 18 months, with costs of £35.00. Driving Licence endorsed.

(b) Failing to stop when required on 2 January 1999. Probation Order for 18 months. Driving Licence endorsed with 3 penalty points.

(c) Failing to surrender to custody at appointed time on 22 February 1999. Probation Order for 18 months.

(v) 22 November 1999 - Breach of Probation Order on 2 February 1999. Fined £25.00 and Order to continue.

The applicant spoke in support of his application and explained the circumstances of the offences to the Panel. He stated that:

- The offences had occurred when he was in his early twenties after getting involved with an undesirable group of people
- In order to improve his life, he decided to move away from the area where he was born and as a result, had received no further convictions during the last ten years
- He had been unemployed since December 2009 and wanted a job to fit in with looking after his young daughter.

The Panel asked the applicant a number of questions and after considering the Officer's report and representations made by the applicant, including advice from the Solicitor, the Panel retired to consider the application and evidence presented at the Hearing, and it was

#### **RESOLVED:**

That the application for a Hackney Carriage and Private Hire Driver's Licence be granted for a period of 12 months for the reasons stated below.

The Chairman read out the following statement giving the reasons why the Panel had granted the application: -

"The Panel:

1. Had reference to the Hackney Carriage and Private Hire Drivers Criminal Record Policy 14 April 2010 when making its decision. The Panel noted the numerous offences disclosed by the CRB check that were 10 years old and whilst each was very serious in its own right, it considered the convictions were sufficiently dated and carried limited weight in the decision to grant the Licence (although they were relevant, as stated below, to the duration of the Licence).
2. Wished to remind the applicant that the position of a hackney carriage driver was one of great trust and responsibility to the public. The Panel considered that the offences between August 1997 and November 1999 were of a very serious nature, but the applicant's explanation of the offences had satisfied the Panel and that he had moved away from the area that caused his initial problems purposely to avoid further

offences. It noted that his present family situation required him to look after his 7 year old daughter and he had demonstrated his family commitments with consequent stability in his lifestyle. The Panel also noted the applicant's desire for a Licence to give him flexibility to maintain his commitment to his family. The Council's policy was to grant a Licence for 2 years but, in view of the previous offences, the Panel considered that one year was more appropriate in order that the position could be reviewed after 12 months.

3. 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, his Licence could be revoked.
4. Wished to advise the applicant that his conduct should be exemplary whilst he held the Licence.

The Decision Notice would be sent to the applicant and he had the right of appeal to the Magistrates Court within 21 days of receiving the Notice if he was aggrieved with the Panel's decision."

**Chairman**