

TAXI PANEL

Date: 17 November 2009

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 2:00pm

Present: Councillors: -

Albert Campbell (Chairman)
Richard Gell

Peter MacGovern

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. MINUTES

The Minutes of the meeting held on 9 October 2009 were approved and signed by the Chairman.

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. APPLICATIONS FOR NEW HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES

The Licensing Officer reported on two applications for new 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 that the applicant had been convicted on

13 October 2003 of:

- (i) driving a motor vehicle with excess alcohol on 7 October 2003. He was disqualified from driving for 18 months and fined £400 with £43 costs; and
- (ii) using a vehicle whilst uninsured and driving otherwise than in accordance with a licence on 7 October 2003. No separate penalty was awarded but his driving licence had been endorsed.

The applicant had also been cautioned on 16 February 2002 for possessing controlled drugs on 15 February 2002.

Members noted that the applicant had:

- answered 'No' at Question 6 on his application form asking whether a caution had ever been issued
- only disclosed the drink driving conviction on his application form.

The applicant spoke in support of his application and answered questions from the Panel about the circumstances of the convictions 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 a new 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:

1. Noted with concern, the convictions for drink driving and driving without insurance. However, whilst serious, the Panel considered that there had been no subsequent convictions since 2003.
2. Emphasised 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.
3. Stressed 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 their questions. It also noted that he had expressed regret for the actions that 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 had a right of appeal to the Magistrates Court if he was aggrieved with the Panel's decision.

(b) Applicant Two

The Criminal Records Bureau disclosure had revealed no offences. However, the applicant had been photographed going through a red traffic light in Northampton on 10 September 2009. The offence had not yet appeared on his DVLA Licence or DVLA history.

In a letter dated 29 October 2009, the applicant had admitted the offence of failing to stop at the red traffic lights on 10 September 2009. Members were informed that this offence was listed under the Council's Licence Conditions Schedule of Offences.

The applicant spoke in support of his application and answered questions from the Panel about the circumstances of the offence.

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 a new 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:

1. Noted the applicant's admission of failing to stop at red traffic lights.
2. Emphasised 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.
3. Stressed 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 had a right of appeal to the Magistrates Court if he was aggrieved with the Panel's decision.

Chairman