

# LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 10 February 2011

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Glenn Harwood (Chairman)  
Sylvia Hughes

Anna Sauntson

## 1. APPOINTMENT OF CHAIRMAN

### RESOLVED:

That Councillor Glenn Harwood be appointed Chairman for this Hearing.

## 2. DECLARATIONS OF INTEREST

No interests were declared.

## 3. EXCLUSION OF PUBLIC AND PRESS

### RESOLVED:

That the public and press be excluded from the meeting during consideration of the following items 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. Reference was made to the Council's Hackney Carriage and Private Hire Driver's Criminal Records Policy when considering this application.

The Criminal Records Bureau (CRB) disclosure revealed that the applicant had received a number of convictions for various offences on the following dates:

**(a)** 6 November 1975:

(i) Theft. Conditional discharge for two years concurrent. £3.00 compensation; and

(ii) Burglary and theft at a dwelling. Conditional discharge one year. Compensation £0.90.

**(b)** 22 May 1984 – Criminal damage. Fined £50 with £69 compensation.

The Panel noted that the applicant had also admitted on his application to receiving an informal caution in 1977.

The applicant was present at the Hearing where he spoke in support of his application and made the following comments:-

- He had been a bricklayer for 30 years and wanted a change of employment. He intended to be a self-employed taxi driver and buy his own car for use as a taxi
- The offences in 1975 had occurred after he had stolen some fence panels from a back garden and the criminal damage offence in 1984 had occurred when he had fallen through a shop window
- He confirmed that had received an informal caution in 1977 for fighting which had not shown up on the CRB check.

The Panel asked the applicant a number of questions about the various offences and he stated that they had all occurred when he had been young. He emphasised that he had not re-offended or been in any trouble since 1984.

The applicant was fully aware of the Council's Hackney Carriage and Private Hire Drivers Criminal Records Policy and understood that there were no "spent" convictions as far as taxi drivers were concerned.

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 two years with standard conditions.

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

"The Panel has carefully considered your application for the issue of a Hackney Carriage and Private Hire Drivers Licence. In reaching its decision, the Panel had regard to:

- Government Guidance
- East Northamptonshire Council's Hackney Carriage and Private Hire Drivers Criminal Records Policy
- East Northamptonshire Council's Hackney Carriages/Byelaws (Terms and Conditions)

The Panel has reached the decision to Grant the licence for a period of two years with standard conditions.

The Panel considered the three offences recorded on the Criminal Records Bureau check but felt that they were sufficiently dated not to be part of the Panels considerations.

The Panel would like to thank the Applicant for being so candid when responding to the Panel's questions.

The Panel would like to emphasize the safety of the public is paramount and would take this opportunity to remind the Applicant of his responsibilities in that respect.

The Decision Notice would be posted to the applicant and should he have any grievance with the Panel's decision today he had the right to appeal to the Magistrates Court within 21 days of receiving the notice."

**Chairman**