

NORTHAMPTON BOROUGH COUNCIL

LICENSING COMMITTEE

Tuesday, 28 June 2011

PRESENT: Councillor Caswell (Chair); Councillors Choudary, Conroy, Duncan, Eales, Ford, Sargeant and Strachan

APOLOGIES: Nunn

2. MINUTES

The Minutes of the meeting on 1 March 2011 were confirmed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

There were none.

4. DECLARATIONS OF INTEREST

Councillor Ifty Choudary declared a Personal and Prejudicial interest in all items as his wife holds an operators licence.

Councillor Roger Conroy declared a personal interest in Item 7, as the owner of a Children's Centre who uses taxi's to collect vulnerable children.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

There were none.

6. MULTI AGENCY CHECKS OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND VEHICLES

To receive a report from Phil Bayliss, Licensing Manager, on Multi Agency Checks of Hackney Carriage and Private Hire Drivers and Vehicles.

Members thanked the Licensing Manager for the report but due to the seriousness of the issues and offences committed by taxi drivers, they felt that this was not a report for noting but something that needed to be followed by this Committee and that the Committee should be kept updated on the progress and results of future Multi Agency Checks.

Discussion took place around the serious issues that some of the taxi drivers had been given immediate prohibition for, such as defective tyres. It was noted that these issues could cause serious harm to passengers or members of the public.

The Licensing Manager explained why some of the vehicles were dealt with via an immediate prohibition and why others were delayed. This was due to the seriousness of the offence and whether the offence led the vehicle or driver to be unsafe or was a technical issue such as not carrying the correct documentation. The Vehicle and Operator Services Agency (VOSA) regulated these decisions and it was confirmed that immediate and delayed prohibition led to the requirement of an immediate MOT. This was confirmed as a rigorous tool to ensure technical issues were fixed and checked by the relevant inspectors. The Licensing Manager explained that the Committee did not deal with the drivers as the Police had the powers during the Multi Agency Checks to administer immediate fines and penalty points, in line with relevant regulation. It was hoped that more Multi Agency Checks would happen in the near future.

It was therefore RESOLVED:

1. That the Licensing Authority actively step up enforcement in the next few months and results of enforcement is monitored by the Committee; and
2. That the report be noted.
7. **REVIEW OF CRIMINAL RECORD BUREAU CHECKS FOR HACKNEY/PRIVATE HIRE DRIVERS**

To receive a report from Phil Bayliss, Licensing Manager, on a Review of Criminal Record Bureau checks for Hackney/Private Hire Drivers.

Members strongly emphasised that they would prefer to keep the Enhanced Criminal Record Bureau (CRB) Disclosure as standard. They confirmed that due to the number of young and vulnerable people who regularly use taxis in the Borough, the enhanced disclosure was suitable and necessary.

Members enquired as to why there needed to be a change and what predicament that not obeying to regulation, would put the Licensing Manager and the Licensing Authority in. It was confirmed that the Licensing Manager was only able to share information from a Standard CRB Disclosure, as this was all that was recommended by the Department for Transport and Criminal Records Bureau. He noted that any information that was viewed by him on the Enhanced Disclosure was to be kept confidential which may put him in a situation where he is aware of issues that may deem a Licence Applicant not 'fit and proper' but is unable he would be unable to disclose this information to the Committee.

As an interim measure the Licensing Manager advised that the County Council could request that any taxi drivers that tender or have a contract to transport vulnerable persons, have an Advanced CRB Disclosure.

The Licensing Manager was confident that common sense would soon prevail with the regulations / recommendations from the Department for Transport and Criminal Records Bureau and that this authority could again request that all Hackney / Private Hire Taxi Drivers have an Enhanced CRB Disclosure. It was confirmed that until that time we would need to use the information that was available to us in the Standard CRB Disclosure.

It was therefore RESOLVED:

1. That the Chairman of the Committee sign a letter requesting that Northamptonshire County Council request Taxi Driver under contract or tender for vulnerable persons undergo an Enhanced Criminal Records Bureau Check; and
2. That Criminal Record Bureau checks should be carried out as recommended by the Department for Transport and Criminal Records Bureau and become a Condition of being granted a Hackney/Private Hire licence.

9. EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such Act.

The Motion was Carried.

10. REVIEW OF A PRIVATE HIRE DRIVERS LICENCE

The driver confirmed that he had received the relevant paperwork and the Licensing Officer outlined the circumstances as set out in the report.

The Committee heard the representations made and reached a decision with regard to any further action to be taken based on the evidence presented.

RESOLVED

That the driver on a balance of probability was not a fit and proper person to hold a Private Hires Driver's Licence but the Committee would take no further action at this time.

11. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The driver confirmed that he had received the relevant paperwork and the Licensing Officer outlined the circumstances as set out in the report.

The Committee heard the representations made and reached a decision with regard to any further action to be taken based on the evidence presented.

RESOLVED

1. That the driver on a balance of probability was not a fit and proper person to hold a Private Hires Driver's Licence.
2. That the Driver's Private Hire Licence be suspended for a period of two weeks following a period of 21 days after his receipt of notification from the Licensing Authority during which time he had the right to appeal to the Magistrates.

12. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer informed the Committee that driver had failed to appear at the meeting and no apology had been submitted.

The Committee, being satisfied that the Private Hire Driver, had received adequate notification of the Meeting, agreed to hear the matter in his absence.

The Licensing Officer then outlined the circumstances as set out in the report.

The Committee, using evidence contained within the report, made and reached a decision with regard to any further action to be taken.

RESOLVED

1. That the driver on a balance of probability was not a fit and proper person to hold a Private Hires Driver's Licence.
2. That the Driver's Private Hire Licence be suspended for a period of one months following a period of 21 days after his receipt of notification from the Licensing Authority during which time he had the right to appeal to the Magistrates.

13. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer informed the Committee that driver had failed to appear at the meeting and no apology had been submitted.

The Committee, being satisfied that the Private Hire Driver, had received adequate notification of the Meeting, agreed to hear the matter in his absence.

The Licensing Officer then outlined the circumstances as set out in the report.

The Committee, using evidence contained within the report, made and reached a decision with regard to any further action to be taken.

RESOLVED

1. That the driver on a balance of probability was not a fit and proper person to hold a Private Hires Driver's Licence.
2. That the Driver's Private Hire Licence be suspended for a period of one months following a period of 21 days after his receipt of notification from the Licensing Authority during which time he had the right to appeal to the Magistrates.

14. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer informed the Committee that driver had failed to appear at the meeting and no apology had been submitted.

The Committee, being satisfied that the Private Hire Driver, had received adequate notification of the Meeting, agreed to hear the matter in his absence.

The Licensing Officer then outlined the circumstances as set out in the report.

The Committee, using evidence contained within the report, made and reached a decision with regard to any further action to be taken.

RESOLVED

1. That the driver on a balance of probability was not a fit and proper person to hold a Private Hires Driver's Licence; and
2. That the Driver's Private Hire Licence be suspended for a period of one months following a period of 21 days after his receipt of notification from the Licensing Authority during which time he had the right to appeal to the Magistrates.

15. REVIEW OF A HACKNEY CARRIAGE LICENCE

The driver confirmed that he had received the relevant paperwork and the Licensing Officer outlined the circumstances as set out in the report.

The Committee heard the representations made and reached a decision with regard to any further action to be taken based on the evidence presented.

RESOLVED

That the driver, on a balance of probability, was a fit and proper person to hold a Hackney Carriage Licence.

<TRAILER_SECTION>

The meeting concluded at 7:55 pm

