

Minutes of the meeting of the LICENSING AND
APPEALS HEARINGS PANEL held at 1.30 pm on
Wednesday, 2nd December, 2015 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor (in the Chair)

Councillor R A Baker Councillor C Patmore
D M Blades

Apologies for absence was received from Councillor Mrs I Sanderson

LAHP.8 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor R A Baker be elected Chairman of the Panel for the duration of the Hearing.

(Councillor R A Baker in the Chair)

LAHP.9 **EXCLUSION OF THE PUBLIC AND PRESS**

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the item of business at minute no LAHP.8 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LAHP.10 **CONDUCT OF LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER**

All Wards

The subject of the decision:

The Panel considered whether any action needed to be taken against a hackney carriage and private hire driver licence holder ("Mr B").

Alternative options considered:

The Panel considered all of the options outlined in paragraph 7.1 of the Executive Director's report.

The Panel concluded that a sanction less severe than a complete revocation would adequately serve the interests of the public but it was not satisfied that a warning would adequately address the concerns raised.

The reason for the decision:

The Panel considered evidence of an allegation that on 2nd September 2015 Mr B had carried five passengers (two adults and three children) from Northallerton Railway Station in a hackney carriage vehicle which was only licensed to carry up to four passengers.

The Panel considered the report of the Executive Director, the officer's statement, the complainant's statement, the CCTV footage and the oral representations of Mr B, having due regard to the Council's Vehicle and Driver Licensing Policy and the relevant legislation. The Panel reached the following conclusions:

- The Panel concluded that five passengers were carried in the vehicle at the material time and this was accepted by Mr B prior to, and during, the hearing.
- The Panel was concerned about the risks to public safety in light of the fact that one or more passengers would have travelled without a seatbelt and without sufficient seating space.

The Panel then considered the level of intent and reached the following conclusions:

- The Panel was satisfied that Mr B had assisted the passengers by placing their luggage and pushchair into the boot of the car prior to driving out of the Railway Station. The Panel concluded that Mr B should and would have seen the number of passengers entering his vehicle.
- The Panel was satisfied that Mr B had checked the passengers' seatbelts before driving away from the Railway Station. The Panel concluded that Mr B should and would have seen the number of passengers inside his vehicle prior to commencing the journey.
- The Panel was satisfied that Mr B had assisted the passengers at the end of the journey as the passengers were exiting the vehicle. The Panel concluded that Mr B should and would have seen the number of passengers exiting his vehicle once the journey was complete.
- The Panel was satisfied that, according to Mr B, one adult was sitting on the front seat of the vehicle and that the other adult was sitting on the passenger side of the back seat. Two children had occupied the middle and the driver's side of the back seat. When questioned by the Panel, Mr B expressed his opinion that the third child would have been sitting on the lap of the adult on the passenger side of the backseat. The Panel concluded this would have given Mr B a clear view of the third child when he checked the passengers' seatbelts.
- The Panel was satisfied that Mr B could not have overlooked the third child on each of those occasions and therefore, on the balance of probabilities, the Panel concluded that Mr B had deliberately carried five passengers.

The Panel then considered the motivation for carrying an excess number of passengers and reached the following conclusions:

- According to Mr B, he had arrived at the Railway Station to collect a gentleman who had pre-booked Mr B's taxi. On his arrival, the gentleman asked Mr B to take the other party home and then to return to collect him. The Panel was satisfied that Mr B complied with the request.
- The Panel was satisfied that the party of five passengers had not booked a taxi and accepted the evidence contained within the complainant's statement in that he had refused the fare when he was asked if he would be prepared to carry five passengers.
- The Panel was satisfied on the balance of probabilities that Mr B's motivation for carrying five passengers in the vehicle was to obtain a fare in addition to the one that had been pre-booked.

The Panel then considered Mr B's character and reached the following conclusions:

- Having concluded that Mr B had deliberately carried five passengers, the Panel was satisfied on the balance of probabilities that Mr B had made false statements to authorised officers during the interview on 8th October 2015.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence, the Panel was concerned by Mr B's apparent disregard for public safety at the time of the incident. The Panel was also concerned that Mr B had been less honest than the Panel would expect from a licensed driver during his interview with authorised officers. Accordingly, the Panel decided to impose a one month suspension of Mr B's hackney carriage and private hire driver's licence in accordance with section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976. The Panel concluded that this sanction best served the interests of the public to ensure that Mr B did not repeat this action in the future.

The meeting closed at 2.25 pm

Chairman of the Panel