

Police and License Committee Minutes – Closed
April 20, 2010
Council Chambers

Present

Councillor J. MacPherson, Chair
Mayor C. Chisholm
Councillor S. Cameron
K. Publicover, St. FX University Representative
S/Sgt. T. Perry, RCMP
S./Cst. S. Smith
D. Kampen, MPA, Chief Administrative Officer
D. Wilson, Deputy Clerk

Regrets

Councillor W. Cormier
Cpl. R. Bouchard, RCMP
Sgt. B. Rehill, RCMP

Call to Order

The Chair called the meeting to order at 2:00 PM.

Agenda

The Chair advised that the Agenda for this meeting was to discuss an appeal of a decision by S./Cst. Smith not to approve an application for a taxicab license. He noted that the application was refused under Section 12(D) of the Town of Antigonish Taxicab By-law. A copy of the appeal and the By-law were distributed.

- Appeal of Taxicab Application for License – W. L. Cooke
The Committee reviewed the Taxicab By-law and the letter of appeal received from W. L. Cooke.

CAO D. Kampen expanded on the rationale W. L. Cooke used to base his appeal and noted that he was convicted in September 2009, of driving while under the influence of alcohol, and subsequently had an 'Interlock' device installed in his vehicle in March, 2010. She noted that the Taxicab By-law states, in part, that 'No Taxicab license and no Taxicab Driver's License shall be granted when: (d) The applicant has been convicted of an offense within the past two years under the Criminal Code of Canada, The Nova Scotia Liquor Control Act, The Controlled Drugs and Substances Act, the Food and Drug Act or the Narcotic Control Act . . .".

W.L. Cooke noted in his appeal that the Interlock device was installed only after extensive evaluation and assessment by the Courts, Addiction Services, and the Department of Motor Vehicles, under which he states it was determined he was a low-risk to re-offend.

S./Sgt. T. Perry noted that although he had not seen an Interlock device he is aware of the how the program works and noted that a 'restriction' would be noted on the drivers' license, the interlock device is required to be downloaded every 60 days for the results to be reviewed by Addiction Services. He further noted that locally, Apple Auto Glass is the Interlock service provider. In response to a question from the Chair, S/Cst. Smith advised that the driver is only able to operate the vehicle in which the Interlock is installed, and that the Interlock cannot be transferred from vehicle to vehicle.

CAO D. Kampen advised that she was familiar with how the Interlock system works and provided additional details.

Following a caution on the impact this decision may have from S./Sgt. T. Perry, T. Publicover expressed concern that the applicant has no prior record with respect to the operation of a taxi.

In response to a question from the Chair, S/Sgt. T. Perry noted that once installed, the Interlock system is monitored by the Registry of Motor Vehicles and Addiction Services, and further that the driver must provide a breath sample every 20 to 30 minutes while operating the vehicle.

S./Cst. S. Smith noted that the applicant has two (2) prior convictions related to alcohol.

Councillor S. Cameron joined the meeting at 2:45 PM.

S/Sgt.T. Perry noted that it was his understanding that the RCMP or Police could demand a breath sample at any time from someone who has an Interlock system installed in their vehicle.

Following further brief discussion on the matter, the Committee was polled and it was generally agreed that the appeal be dismissed. CAO D. Kampen further noted that this decision could be appealed to Council by the applicant, and that the applicant could make a presentation before Council.

Adjournment

Moved by K. Publicover

Seconded by Mayor C. Chisholm

"That the meeting be adjourned." Motion carried.