



Oversight and Governance

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Taxi Licensing Committee

To Follow

Thursday 29 August 2019
10.00 am
Council House, Plymouth

Members:

Councillor Mavin, Chair

Councillor Corvid, Vice Chair

Councillors Mrs Bridgeman, Mrs Pengelly, Rennie, Riley and Singh.

Please find enclosed additional information under agenda item numbers 3 and 7.

Tracey Lee

Chief Executive

Taxi Licensing Committee

3. Minutes (Pages 1 - 6)

To confirm the minutes of the meeting held on 1 August 2019.

7. Confidential Minutes (Pages 7 - 14)

To confirm the confidential minutes of the meeting held on 1 August 2019.

Taxi Licensing Committee

Thursday 1 August 2019

PRESENT:

Councillor Mavin, in the Chair.

Councillor Corvid, Vice Chair.

Councillors Mrs Bridgeman, Mrs Pengelly, Rennie, Riley and Singh.

Also in attendance: Ann Gillbanks (Senior Lawyer), Cathy Griffin (Enforcement Officer), Helen Prendergast (Democratic Adviser) and Mark Small (Licensing Officer)

The meeting started at 10.00 am and finished at 3.30 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

22. **Declarations of Interest**

There were no declarations of interest made by Members in accordance with the code of conduct.

23. **Minutes**

The Committee agreed that the minutes of the meeting held on 4 July 2018 were confirmed as a correct record.

24. **Chair's Urgent Business**

There were no items of Chair's urgent business.

25. **Appeal Cases**

The Committee was advised that one appeal that had been due to be considered by the Crown Court was unable to proceed, as it had not been listed for sufficient time to hear the case (all day was required). The case had been re-listed for 29 November 2019. An earlier date had been requested but due to the number of witnesses required this had been identified as the most suitable date.

26. **Application for the Grant of a Private Hire Vehicle Licence**

The Committee –

- (a) considered the report from the Director of Public Health;
- (b) inspected the vehicle which was the subject of the proposed application;

(c) heard from Mr Woodman that -

- he understood there were differences between hackney carriage and private hire vehicles but was not 100% sure when he purchased this vehicle;
- he did not consult with licensing officers when he purchased the vehicle but he gave an undertaking to do so before he purchased any more vehicles;
- he wanted to add another wheelchair accessible vehicle to his fleet, as he was currently refusing on average four to five jobs a day from wheelchair passengers, as he only had one vehicle;
- he also wanted the larger vehicle to transport other disabled passengers; passengers with mental health issues and their carer's; from experience some passengers with mental health issues could be aggressive and the larger vehicle was safer for both the passengers and the driver;
- the vehicle he proposed to licence could take NHS size wheelchair users; he would be able to regulate which size wheelchair could be taken and had the flexibility for his existing vehicle to take the larger scooter type chair and passenger with this vehicle taking the smaller NHS type wheelchair and passenger;
- he wanted to provide a service to wheelchair and other disabled passengers, as some hackney carriage drivers had exemption certificates which meant that they would not take wheelchair passengers;
- the second vehicle was not about making money but providing a better service for his customers;
- said he would likely work with Plymouth Area Disability Action Network (PADAN) in the future;

(d) took into account -

- all that was said by Mr Woodman;
- all that was contained in the report;
- viewed the vehicle proposed to be licensed;
- the policy and law as set out in the report;

- that granting this proposed application would ease a need in the City, providing a benefit to transporting disabled passengers.

The Committee agreed that the vehicle could be identified as being sufficiently different to a hackney carriage vehicle but would require that the vehicle should be clearly signed to say that it was for private hire only and must be pre-booked.

Having decided the vehicle met the legal test, the Committee was prepared to depart from its policy, due to the assurance that the vehicle would be used to augment the service of the existing private hire vehicles owned by Mr Woodman and that it would provide an important service to wheelchair and other disabled users in the City.

This linked to the Council's licensing objectives of vehicle safety, comfort and access –

- standards of vehicle safety, comfort and appearance;
- integration of transport systems;
- provision of disabled facilities and assistance;
- number of vehicles available;
- high standards of customer service.

Safety and health of drivers and the public –

- driver training, qualification and performance;
- vehicle specifications and vehicle safety.

The Committee therefore agreed to the principle of granting this application for a private hire vehicle licence for this vehicle, subject to –

- all the private hire vehicle licence conditions;
- the requirement that signs should be clearly displayed on the outside of the vehicle saying 'for private hire, advance bookings only';
- Mr Woodman making an application as normal to licence this vehicle.

27. **Exempt Information**

Agreed that under Section 100A(4) of the Local Government Act 1927, to exclude the press and public from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act, 2000.

28. **Confidential Minutes**

The Committee agreed the minutes of the meeting held on 4 July 2019.

29. **Application for the Grant of a Private Hire Vehicle Licence**

The Committee –

- (a) considered the report from the Director for Public Health;
- (b) heard from the applicant and considered the letter he presented to Members;
- (c) took the report and all that was said by the applicant into account.

The Committee was not satisfied that the applicant was a fit and proper person to hold a private hire driver's licence. Members of the Committee had asked themselves the question, set out in their policy, as to whether they would allow someone they cared about to get into a vehicle driven by the applicant and the answer was no. Therefore the Committee agreed to refuse this application.

Please note: there is a confidential part to this minute

30. **Application for Permission to Renew a Private Hire Vehicle Driver's Licence**

The Committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from the applicant;
- (c) took the report and all that was said by the applicant into account.

The Committee therefore agreed to grant the renewal of the licence subject to the terms of the Council's licensing policy. Namely that he did not need to re-take the Knowledge of Plymouth test, the Driver Standards test, the NVQ driver's qualification and the safeguarding course but he was required to submit his application, an up to date medical group 2 certificate and DBS and he was also required to attend the next Ambassadors Course.

Please note: there is a confidential part to this minute.

31. **Review Status of a Hackney Carriage Driver's Licence**

The Committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from the driver;
- (c) took the report and all that was said by the driver into account.

The Committee accepted that the driver had now booked to attend a safeguarding workshop on 6 November 2019 and would expect her to attend on this course. If she did not attend on that day, for any reason, she would have to appear before the Taxi Licensing Committee on 21 November 2019 to explain. Further action against her licence may be considered at this meeting.

Please note: there is a confidential part to this minute.

32. **Review Status of a Private Hire Vehicle Driver's Licence**

The Committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from licensing officer;
- (c) decided to consider the matter in the driver's absence, as he had been warned that his non-attendance may result in this;
- (d) took the report and all that was said into account.

The Committee agreed that in light of the above the driver's private hire driver's licence would be suspended until 2 September 2019, when the applicant would be expected to attend the safeguarding workshop. If the applicant did not attend the workshop on that date, he would be expected to attend the Taxi Licensing Committee on 26 September 2019 to explain why he had not attended and at that time, further action could be taken against his licence. This was in accordance with Section 19 (1)(b) of the Plymouth City Council 1975 Act.

Please note: there is a confidential part to this minute.

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The following relates to exempt or confidential matters (Para(s) 1 of Part 1, Schedule 12A of the Local Govt Act 1972). Any breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

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