

Taxi Licensing Committee

Thursday 2 February 2023

PRESENT:

Councillor Churchill, in the Chair.
Councillor Tofan, Vice Chair.
Councillors Haydon, Partridge and Rennie.

Apologies for absence: Councillor Tuffin.

Also in attendance: Sharon Day (Lawyer), Graham Hooper (Senior Office, Intelligence and Licensing), Steve Forshaw (Senior Enforcement Officer, Intelligence and Licensing), and Elliot Wearne-Gould (Democratic Advisor).

The meeting started at 10:00 and finished at 10:40.

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.

56. Declarations of Interest

There was one declaration of interest:

Councillor	Interest	Description
Nigel Churchill (Chair)	Personal	Councillor Churchill knew the applicant for the Private-Hire Vehicle licence however, this was not prejudicial.

57. Minutes

The Committee agreed the minutes of 1 December 2022 as a correct record.

58. Chair's Urgent Business

The Chair, Councillor Nigel Churchill, brought forward one item of Chair's urgent business:

Plymouth City Council's (PCC) Taxi Licensing department had been notified by Devon and Cornwall Police of allegations made against a Hackney Carriage Driver, licensed by PCC. Due to the nature of the allegations, the matter needed to be considered urgently, rather than at a future date.

59. Appeal Cases

The Committee agreed to note that there had been no Appeal Cases since the last Committee meeting.

60. **Number of Certificates of Good Conduct Exemptions Granted**

The Committee agreed to note that there had been no Certificates of Good Conduct Exemptions granted since the last Committee meeting.

61. **Exempt Information**

The Committee agreed to pass a resolution under Section 100A(4) of the Local Government Act, 1972 to exclude the press and the public from the meeting for the following items of business, on the grounds that they involved the likely disclosure of exempt information, as defined in paragraphs 1, 2 & 3 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

62. **Confidential Minutes**

The Committee agreed the confidential minutes of 1 December 2022 as a correct record.

63. **Chair's Urgent Business - Review of a Hackney Carriage Driver's license**

The Committee:

1. On the 2 February 2023, having heard representations from the Hackney Carriage Driver, agreed to adjourn the hearing so that an interpreter could be obtained and so that the Hackney Carriage Driver could arrange legal representation. This was to ensure the driver had a fair hearing.

10 February 2023: Present (Councillors: Churchill, Tofan, Rennie & Tuffin)

2. On the 10 February 2023 (with an interpreter in attendance), having heard a request for an adjournment from the Solicitor acting for the Hackney Carriage Driver, agreed to adjourn the hearing for a maximum period of two weeks in order to allow the Hackney Carriage Driver to obtain legal advice to ensure they had a fair hearing.

24 February 2023: Present (Councillors: Churchill, Tofan, Rennie & Tuffin)

3. On the 24 February 2023:
 - a. At the start of the meeting, were provided with a written statement from the Hackney Carriage Driver sent by their solicitor on the 23 February 2023;
 - b. Having read the content of the representation, Councillor Rennie made the decision to withdraw from the meeting and take no part in the consideration of this matter. However, it was noted that he completely refuted the allegation that the Hackney Carriage Driver would not receive a fair hearing if he sat on the Committee, and that Councillor Rennie did not accept that he had acted inappropriately in his conduct during the previous meetings;

Councillor Rennie left the meeting at this point and took no further part in this matter

- c. Took into account:
 - i. The content of the report from the Director of Public Health and all information, law and policy contained within it;
 - ii. the written information provided by the Hackney Carriage Driver in their representation however, they disregarded any reference of their ability to earn a living as this was not relevant to the consideration of whether or not they were a fit and proper person to hold a licence;
- d. Were mindful of the fact that all they had to consider before them was hearsay, both from the Hackney Carriage Driver, and the police. However, the Committee were entitled to take hearsay evidence into account when reaching their decision, and that they could only make a decision on the information before them.
- e. The overriding consideration for the Committee in deciding whether a person is fit and proper to hold or retain a licence is to protect the public. With that in mind, the members of the Committee asked themselves, whether they would want a vulnerable person or other person they cared about to get into a vehicle alone with a driver against whom it was known that serious allegations of this type had been made, even though those allegations were still being investigated and were not proved. The answer to the question was no;
- f. Agreed that the Hackney Carriage Driver licence would therefore be revoked under S.19(1)(b) of the Plymouth City Council as they were no longer considered a fit and proper person to hold a licence due to concerns about the risk to public safety;
- g. Further agreed that no action would be taken against Hackney Carriage Driver's vehicle licence as the revocation of their driver's licence would sufficiently address the concerns of the Committee.

(Please note, there is a confidential part to this minute)

64. **Application for the grant of a Restricted Private Hire Vehicle Driver Licence**

The Committee partially heard this matter on the 02 February 2023 but adjourned to the 10 February 2023 for further legal clarification to be provided.

10 February 2023: Present (Councillors: Churchill, Tofan, Rennie and Tuffin)

Councillor Tuffin left the meeting for this item as he had not been present for the initial hearing on 02 February 2023.

In reaching its decision on the 10 February, the Committee:

1. Considered the report from the Director for Public Health;
2. Considered the information provided by the applicant on the 2 February 2023 with the applicant having confirmed on the 10 February 2023 that they had nothing further to add;
3. The Committee agreed that the applicant was not considered to be a fit and proper person as their situation meant that they could not fulfil the duties required of a private hire driver. Therefore, the application for a licence was refused in accordance with S.9 Plymouth City Council Act 1975.

(Please note, there is a confidential part to this minute)