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**BARRY KEEL**  
Chief Executive  
Floor 1 - Civic Centre  
Plymouth  
PL1 2AA

[www.plymouth.gov.uk/democracy](http://www.plymouth.gov.uk/democracy)

Date: 06/01/10 Telephone Enquiries 01752 304867 Fax 01752 304819

Please ask for Ross Johnston, Democratic Support Officer e-mail [ross.johnston@plymouth.gov.uk](mailto:ross.johnston@plymouth.gov.uk)

## **LICENSING COMMITTEE (HACKNEY CARRIAGE)**

**DATE: THURSDAY 14 JANUARY 2010**  
**TIME: 10.00 AM**  
**PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)**

### **Members –**

Councillor Mrs Dolan, Chair  
Councillor Drean, Vice Chair  
Councillors Bowie, Delbridge, Rennie, Reynolds and Thompson

*Members are invited to attend the above meeting to consider the items of business overleaf*

*Members and Officers are requested to sign the attendance list at the meeting.*

**BARRY KEEL**  
CHIEF EXECUTIVE

## **LICENSING COMMITTEE (HACKNEY CARRIAGE)**

### **PART I (PUBLIC COMMITTEE)**

#### **AGENDA**

**1. APOLOGIES**

To receive apologies for non-attendance submitted by Committee Members.

**2. DECLARATIONS OF INTEREST**

Members will be asked to make any declarations of interest in respect of items on this Agenda.

**3. MINUTES**

**(Pages 1 - 4)**

To confirm the minutes of the meeting held on 3 December 2009.

**4. CHAIR'S URGENT BUSINESS**

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

**5. APPEAL CASES**

The Committee will be provided with the results of the judgement on appeal cases that went to Court.

**6. LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENCE STATUS - R D ROBERTS**

**(Pages 5 - 8)**

The Director for Community Services will submit a report on a licensed hackney carriage driver review of licence status.

**7. EXEMPT INFORMATION**

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) 3 and 7 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

## **PART II (PRIVATE COMMITTEE)**

### **MEMBERS OF THE PUBLIC TO NOTE:**

that under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

**8. CONFIDENTIAL MINUTES (Pages 9 - 10)**

To confirm the confidential minutes of the meeting held on 3 December 2009.

**9. LICENSED DRIVER REVIEW STATUS OF PRIVATE HIRE DRIVER AND HACKNEY CARRIAGE DRIVER LICENCE - SCW (E3 AND E7) (Pages 11 - 16)**

The Director for Community Services will submit a report on a licensed driver review status of private hire driver and hackney carriage driver licence.

**10. LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - PH (E3 AND E7) (Pages 17 - 24)**

The Director for Community Services will submit a report on a licensed private hire driver review of license status.

### **LUNCH 1PM - 2PM**

**11. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - GT (E3 AND E7) (Pages 25 - 30)**

The Director for Community Services will submit a report on the application for the grant of a private hire driver licence.

**12. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - JRH (E3 AND E7) (Pages 31 - 38)**

The Director for Community Services will submit a report on the application for the grant of a private hire driver licence.

**13. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - AP (E3 AND E7) (Pages 39 - 46)**

The Director for Community Services will submit a report on the application for the grant of a private hire driver licence.



## Licensing Committee (Hackney Carriage)

Thursday 3 December 2009

### PRESENT:

Councillor Mrs Dolan, in the Chair.  
Councillor Drean, Vice Chair.  
Councillors Delbridge, Rennie, Bowie, Mrs Nicholson and Reynolds.

Apology for absence: Councillor Thompson

The meeting started at 10.00 am and finished at 5.15 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.*

91. **DECLARATIONS OF INTEREST**

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

92. **MINUTES**

Resolved that the minutes of the meeting held on 5 November 2009 are confirmed as a correct record.

93. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's Urgent Business.

94. **APPEAL CASES**

The committee was informed that one appeal had been lost at the Magistrates Court but no costs had been awarded against the Council.

95. **REQUEST FOR DELEGATED AUTHORITY TO GRANT SHORT TERM DRIVER LICENCES TO COMPLETE TRAINING QUALIFICATION**

The Director for Community Services submitted a report requesting delegated authority to grant short term driver licences to complete the training qualification, which outlined –

- (i) the significant number of changes made to the Hackney Carriage and Private Hire Vehicle Licensing Policy which was implemented on 1 November 2008, which included the requirement for all new drivers to pass a Level 2 VRQ qualification or equivalent within 12 months of issue of their probationary licence;
- (ii) where a driver is unable to complete the qualification within the 12 month period, officers were seeking interim permission to have regard to the individual circumstances to renew a driver licence for the short period of time to enable the driver to satisfactorily complete the practical part of the training course.

In response to questions raised by the committee, the following responses were provided –

- (iii) further funding had been secured to cover a limited number of courses;
- (iv) the facility to pay for the courses by installments would be at the discretion of the company running the courses, UK Skills.

Resolved that delegated authority is granted to the licensing officers in consultation with the Chair, to renew private hire and hackney carriage driver licences for a reasonable period of time, to allow the individual to specifically complete a 'transporting passengers by taxi and private hire' training qualification, that satisfies the requirements of the Hackney Carriage and Private Hire Vehicle Licensing Policy.

### 96. **LICENSED DRIVER REVIEW OF LICENCE STATUS - G JONES**

The Committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from Mr G Jones;
- (iii) heard from Mr Jones' legal representative and Mr Wheeler;
- (iv) heard details of Mr Jones' driving convictions –
  - three speeding offences;
  - a failure to comply with a traffic sign, resulting in 12 penalty points being received;
- (v) taken into account that –
  - all the offences had been committed within the probationary period of being granted a private hire driver's licence;
  - Mr Jones had previously worked in the retail business but this had not been a driving job;
  - the offences had arisen as a result of Mr Jones not being used to driving a powerful car and that he had now taken measures to address this by driving a MPV which appeared to have addressed the problem; Mr Jones started to drive this vehicle in January 2009 and had not committed any further speeding offences since that time;
  - Mr Jones held a regular contract to transport special needs children;
- (vi) Members were concerned that –
  - Mr Jones demonstrated a reoccurring problem with speed awareness and on his own admission he stated he would have a problem driving some vehicles;
  - on Mr Jones own admission he stated that he would be happy to undertake any course to rectify this problem;
  - in light of the above, Mr Jones' driving ability was called into question and this in turn raised questions of his fitness to continue as a private hire driver.

Resolved that Mr Jones is directed to complete within 12 months of 3 December 2009 the VRQ or equivalent qualification, in accordance with Chapter 4, paragraph 10.2 of the Council's Licensing Policy.

NB: following the reading of the committee's decision, it came to light that, since the offences Mr Jones had undertaken the NVQ qualification and therefore Members were satisfied that this addressed their concerns and that Mr Jones was not required to re-take the qualification.

97. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS FOLLOWING MOTORING DISQUALIFICATION - S E Munnery**

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard details from Mr Munnery, as follows –
  - he had accrued 15 points on his licence in three years;
  - nine points had been accrued since obtaining his private hire driver's licence;
  - all the offences had been for speeding and on one occasion he was sure he had a fare on board;
  - on each occasion he had been doing 10mph over the speed limit;
  - he considered himself to be a safe driver and that he had never in the years he had been driving had an accident that was his fault;
  - when driving he was careful not to speed when he had passengers on board or when in the vicinity of schools;
  - he did not consider the speeding offences made him an unsafe driver as he preferred to watch the road and not the speedometer and this was shown by the fact that he had not hit anyone; he also considered that 10mph over the speed limit was not a great deal over and was not reckless driving;
  - he had felt relieved that the committee had not taken his licence in February 2009 and considered that he had attempted to watch his speed but had inadvertently failed; in his opinion, he considered that speed limits were imposed to obtain money for the government and it was arguable that they were a safety factor;
- (iii) taken into account that both the court and the committee had previously given him a chance but he had gone on to commit a further speeding offence;
- (iv) Members were concerned with Mr Munnery's off hand attitude to his speeding offences.

Resolved that in light of Mr Munnery's persistent pattern of speeding offences which were relevant offences under the terms of the Council's Licensing Policy, he was no longer a fit and proper person to hold a private hire driver's licence and therefore his licence would be revoked, as he was considered to be a risk to public safety under the licensing objectives.

98. **LICENSED DRIVER REVIEW OF LICENCE STATUS - J L WARNER**

The committee having –

- (i) considered the report of the Director for Community Services;

- (ii) heard details from Mr Warner of the offences and the complaint;
- (iii) Members were concerned as to whether Mr Warner was a fit and proper person to hold a hackney carriage licence.

Resolved that in accordance with Chapter 4, paragraph 10.2 of the Council's Licensing Policy that Mr Warner is required to take the VRQ qualification or equivalent qualification within 12 months and that a warning is placed on his file which may be brought to the committee's attention in the future.

99. **EXEMPT INFORMATION**

To consider passing a resolution under Section 100A (4) of the Local Government Act, 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) 3 and 7 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

100. **CONFIDENTIAL MINUTES**

Resolved that the minutes of the meeting held on 5 November 2009 are signed as a correct record.

101. **APPLICATION FOR THE GRANT OF A RESTRICTED PRIVATE HIRE DRIVER'S LICENCE AND A PRIVATE HIRE OPERATOR'S LICENCE - AU (E3 AND E7)**

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from AU.

Resolved that the restricted private hire driver's licence is granted subject to the completion of the VRQ qualification or equivalent qualification within 12 months and the private hire operator's licence is also granted.

102. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - PAF (E3 AND E7)**

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard details from PAF;
- (iii) heard details of PAF's convictions.

Resolved that the application is refused as PAF was not a fit and proper person to hold a private hire driver's licence.

*(Note: there is a confidential part to this minute)*

103. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - KJ (E3 AND E7)**

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from KJ.

Resolved that the private hire driver's licence is granted subject to the completion of the VRQ qualification or equivalent qualification within 12 months.



**Subject:** Licensed Hackney Carriage Driver Review of Licence Status

**Committee:** Licensing Committee (Hackney Carriage)

**Date:** 14 January 2010

**Cabinet Member:** Councillor Brookshaw

**CMT Member:** Director for Community Services

**Author:** Mark Small - Senior Licensing Officer

**Contact:** Tel: 01752 307984  
e-mail: mark.small@plymouth.gov.uk

**Ref:** ERS/LIC/MS/rdr

**Part:** I

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**Executive Summary:**

Mr Raymond Donald Roberts is a licensed Hackney Carriage driver, having been first licensed by Plymouth City Council on 03 December 2008. On the 30 November 2009, Mr Roberts wished to renew his driver licence, which was due to expire on the 02 December, but was not able to produce any evidence of having achieved a pass in the driver VRQ qualification which is a requirement for all new drivers on their first renewal of licence since the adoption of the Council Licensing policy in November 2008.

Mr Roberts licence was renewed on the 07 December 2009, but he was informed at that time that a report would be submitted to Members of the Committee as he had failed to comply with the Council Licensing policy.

Mr Roberts has been invited to this Licensing Committee hearing.

**Corporate Plan 2009-2011:**

This report links to the delivery of the corporate priorities defined in the Corporate Improvement Plan. In particular:

Improving Accessibility (Transport).

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**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land**

Not applicable.

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**Other Implications: e.g. Section 17 Crime Disorder Act 1998, Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.**

Members should be aware that Section 17 of the Crime Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

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**Recommendations and Reasons for recommended action:**

It is recommended that the Members consider the content of this report.

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**Alternative options considered and reasons for recommended action:**

None.

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**Background papers:**

None.

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**Sign off:**

Head of Fin		Head of Leg		Head of HR		Head of AM		Head of IT		Head of Strat. Procur.	
Originating SMT Member											

**Report**

1. Mr Raymond Donald Roberts is a licensed Hackney Carriage driver, having been first licensed by Plymouth City Council on 03 December 2008. On the 30 November 2009, Mr Roberts attended the Civic Centre to renew his driver licence, which was due to expire on the 02 December, but was not able to produce any evidence of having achieved a pass in the driver VRQ (or equivalent) qualification which is a requirement for all new drivers on their first renewal of licence since the adoption of the Council Licensing policy in November 2008. The Licensing Technical Officer refused to renew the Hackney Carriage driver licence held by Mr Roberts in the absence of the required VRQ pass documentation.

The reason Mr Roberts gave for not obtaining the driver qualification, was that he was unaware that he had to obtain the qualification, and he had not received any of the communications sent out from the Licensing Section reminding those drivers affected of the need to obtain it prior to Licence renewal.

In the absence of a scheme of officer delegation, authority remains with the Licensing Committee (Hackney Carriage), to refuse to renew a driver licence.

Mr Roberts licence was therefore renewed on the 07 December 2009, for a period of 12 months only, and Mr Roberts was informed at that time that a report would be submitted to Members to consider that he had failed to comply with the Council Licensing policy. He was also advised that he should take steps to remedy the situation as soon as possible.

2. Section 19(1) (b) provides for the Council to suspend, revoke or refuse to renew the licence of a Hackney Carriage or Private Hire driver, who has since the grant of a licence -

***for any other reasonable cause.***

3. In deciding whether Mr Roberts is fit and proper, Members must have regard to the Council's Hackney Carriage and Private Hire licensing policy. The relevant parts of which are detailed below:

**Chapter 2 - Conditions of Licence**

**Paragraph 12.3** states that when considering whether someone is fit and proper the authority will consider, amongst other things

- Relevant skills
- Knowledge
- Experience
- Qualifications
- Medical Fitness
- Criminal record
- Previous history as a licence holder

**Paragraph 14.2** requires all new applicants for a licence to complete the Level 2 VRQ in "Transporting Passengers by Taxi and Private Hire" or equivalent within 12 months from the date of being first licensed.

**Paragraph 14.4** makes it clear that it is the responsibility of the licence holder to notify the Council at the earliest opportunity, if they consider they will not be able to comply with the qualification requirement within the 12 month licence probationary period.

**Paragraph 18.2** requires that in considering whether a person is fit and proper each case is considered on its own merits.

4. In addition to the powers laid out in the Plymouth City Council Act 1975, outlined in para 2. of this report, Members of the Licensing Committee (Hackney Carriage) shall have the discretion to direct a driver appearing before them to complete further training or retraining, should the drivers suitability to retain a licence be called into question.
5. Members are being asked to consider, given the above information, what, if any, sanction needs to be applied to the Hackney Carriage driver's licence held by Mr Roberts in light of the fact that he has not completed the VRQ driver qualification as required by the Councils Hackney Carriage and Private Hire Vehicle Licensing policy.
6. Mr Roberts has been invited to attend this Committee in order that this matter may be considered.

By virtue of paragraph(s) 3, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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