

Licensing Committee (Hackney Carriage)

Thursday 10 June 2010

PRESENT:

Councillor Fox, in the Chair.
Councillor Delbridge, Vice Chair.
Councillors Bowie, Haydon, Rennie and Reynolds.

Apologies for absence: Councillors Drear

The meeting started at 10.00 am and finished at 4.00 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.

1. APPOINTMENT OF CHAIR AND VICE CHAIR

Agreed that –

- (1) Councillor Fox is appointed as Chair for the current municipal year;
- (2) Councillor Delbridge is appointed as Vice-Chair for the current municipal year.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

Agreed that the minutes of the meetings held on 15 April 2010 are confirmed as a correct record.

4. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

5. APPEAL CASES

The Committee was informed that there was an appeal against the revocation of a private hire driver's licence due to be heard in the crown court on 11 June 2010.

6. LICENSED HACKNEY DRIVER REVIEW OF LICENCE STATUS - M KOSTKA

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Kostka;
- (c) taken into account that –
 - Mr Kostka was first granted a licence on 15 July 2008;
 - nine penalty points were incurred for running a red light;
 - all of the motoring offences occurred within the first nine months of

being granted a licence;

- the most recent penalty points were incurred for defective tyres on a private hire vehicle, where the tyres were worn and one was ripped, there was no visible tread on the outer shoulder of one tyre and the other tyre tread was recorded at 1.38mm;
- that all offences involved a private hire vehicle driven by him;
- the explanations given for speeding were that he was little above the limit and there were no passengers on board. Also, he wasn't sure that he was working at the time;
- the explanation for red light was that the traffic lights had changed to amber and due to cars behind him he thought it was safer not to stop;
- in relation to the checks he made to his vehicle before starting to drive he would now make sure that he checked his vehicle prior to driving and wouldn't drive unless he was satisfied the car was safe.

Councillors had concerns that all offences raised concerns for public safety and this did call into question Mr Kostka's suitability to retain a licence, however, having considered all the evidence and his situation councillors agreed that in accordance with their policy and in order to address their concerns over public safety Mr Kostka is directed to complete the VRQ driver qualification within six months of his disqualification ending and also that he retake his driving test within six months. Finally a warning would be placed on his file and would be brought to members attention should he appear before the committee again.

7. LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - J A HAJDUK

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Hajduk.

Agreed that in the interest of a fair hearing this matter be adjourned to the next available committee date so that Mr Hajduk could have the assistance of an interpreter.

8. LICENSED HACKNEY DRIVER REVIEW OF LICENCE STATUS - L HARRISON

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Harrison;
- (c) taken into account -
 - (i) Mr Harrison's history of motoring offences and the fact that he had accumulated –
 - twelve penalty points back in 2001 but was not disqualified due to exceptional hardship;
 - three penalty points in February 2004 for a pedestrian crossing offence;

- three penalty points in May 2007 in respect of using a mobile phone whilst driving;
 - six penalty points in total in April 2010 in respect of using a mobile phone whilst driving and also failing to comply with a no entry sign. (Also driving otherwise than in accordance with licence for which he received no separate penalty);
- (ii) Mr Harrison's previous history as a licence holder –
- that he had been a licence holder for coming up for ten years and in that time had been warned for the use of a mobile phone whilst driving (August 2007), been warned about his standard of driving following a complaint from a member of the public (February 2009), been issued with a prohibition notice in October 2008 in respect of three bald tyres and then again in July 2009 in respect of two bald tyres, a loose bumper and window being held up with screwdriver.
- (iii) that the committee also heard from the licensing officer that on one of the occasions that a prohibition notice had been served on Mr Harrison in respect of his tyres he had represented the vehicle for inspection with two of the tyres still being illegal. Mr Harrison had explained this by saying he had borrowed the tyres from another driver;
- (iv) that Mr Harrison explained his use of his mobile whilst driving as being due to calls from his daughters but when questioned confirmed that on other occasions he had answered it just because it was ringing. He confirmed that he had installed Bluetooth in his cab since his last conviction;
- (v) that Mr Harrison confirmed that he had been working when the offences were committed;
- (vi) that Mr Harrison explained that he was employed at present;
- (d) Members expressed concerns in relation to Mr Harrison's –
- disregard for the rules of the road and public safety, which was shown by his use of his mobile phone while driving and also his bald tyres on his vehicle;
 - his horrendous driving record as shown by his penalty points, warnings and prohibition notices.

Agreed that having taken into account all of the above and having considered the history of motoring offences which are relevant offences under the Council's licensing policy, Mr Harrison is no longer a fit and proper person to retain his Hackney Carriage Driver's licence due to concerns for public safety. His licence would therefore be revoked.

9. LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - C SATURN

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Saturn;

(c) taken into account that –

- Mr Saturn was first granted a licence in June 2009 and was convicted of stopping within pedestrian crossing limits in October 2009 within the first year of being licensed as a driver;
- he had failed to report the conviction in accordance with the terms of his licence and had explained that this was due to the fact that he had been scared to do so but acknowledged he was now in more trouble for failing to do so;
- he has now completed the VRQ;

Agreed that Mr Saturn's Private Hire Driver's licence would be suspended for two days in respect of the breach of licence condition.

10. **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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3 and 7 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

11. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - TAS**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from TAS;
- (c) heard from TAS's employer;
- (d) heard from TAS's legal representative;
- (e) heard details of TAS's convictions;
- (f) considered a number of character witness statements about TAS.

Agreed that having considered all of the above the committee did not consider that TAS posed any risk to the public and therefore no action would be taken against her licence.

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

12. **LICENSED HACKNEY DRIVER REVIEW OF LICENCE STATUS - SGR**

The Committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from the Licensing Officer that SGR had not attended the committee hearing and no notification regarding his absence had been received;

Agreed that a letter be sent to SGR by recorded delivery inviting him to attend the next hearing and if he failed to attend warning him that the matter would be considered in his absence.

13. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - AP**

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) considered the matter in AP's absence;
- (c) heard details of AP's convictions;

Agreed that as AP had not attended and given his side of events to councillors questions and due to the unchallenged evidence which raised concerns for public safety, councillors felt they had no alternative but to suspend APs licence until such time as he attends the Licensing Committee (Hackney Carriage) so that the matter can be fully considered.

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

14. LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - TCW

The Committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from the Licensing Officer that TCW had not attended the committee hearing and no notification regarding his absence had been received;

Agreed that a letter be sent to TCW by recorded delivery inviting him to attend the next hearing and if he failed to attend warning him that the matter would be considered in his absence.