

Licensing Committee (Hackney Carriage)

Thursday 4 November 2010

PRESENT:

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

Also in attendance: George Curness (Assistant Licensing Officer), James Hirst (Assistant Licensing Officer) and Andrea Gilbert (Lawyer).

The meeting started at 10.00 am and finished at 3.05 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.

73. DECLARATIONS OF INTEREST

The following declaration of interest was made in accordance with the Code of Conduct in relation to an item under discussion at this meeting –

Name	Subject	Reason	Interest
Councillor Rennie	Minute 84 -Application for the grant of a Hackney Carriage Driver's Licence	Relation	Personal/Prejudicial

74. MINUTES

Agreed that the minutes of the meeting held on 30 September 2010 are confirmed as a correct record.

75. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

76. APPEAL CASES

The committee was advised that there had been no new appeal cases since the last committee meeting.

77. LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - D P TAPPER

The committee having –

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

- (b) heard from Mr Tapper;
- (c) heard details of Mr Tapper's motoring offences;
- (d) taken into account that Mr Tapper -
 - had declared his second driving conviction to the Licensing Department in the correct manner;
 - was now concentrating more on his driving and had reduced his working hours to improve his awareness;
 - did not have a passenger on board when he committed the traffic signal offence.
- (e) however, councillors were concerned that –
 - Mr Tapper had committed two driving offences in less than five weeks;
 - he had accumulated nine points on his driving licence;
 - the conviction that Mr Tapper received on 14 September 2009 was not declared to the Licensing Department as required by the conditions of his Private Hire Driver's Licence and by his own admission he cannot remember posting this notification, although he did state that he did have one written;
 - during questioning by councillors Mr Tapper stated that he did occasionally speed on the motorway.

Agreed that Mr Tapper's convictions both related to motoring offences and both were committed since the commencement of his employment as a Private Hire Driver. The offences show that Mr Tapper's attention to the road has reduced and this gives rise to concern for public safety. Councillors have therefore elected to apply their discretion under Section 10.2 of the Hackney Carriage and Private Hire Vehicle Licensing Policy and direct Mr Tapper to complete the Level 2 VRQ in Transporting Passengers by Taxi and private Hire or equivalent within the next 12 months. If training is not completed by this time, Mr Tapper will be called to attend before the committee to explain his actions and his license will be reconsidered.

78. **LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENCE STATUS - K W ELLIOT**

The committee having –

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

- (b) heard from Mr Elliott;
- (c) heard details of Mr Elliott's motoring convictions;
- (d) taken into account that Mr Elliot –
 - verbally advised the Licensing Department of one conviction;
 - stated that he attended at the Licensing Department in January 2010 to produce his driving licence although no record can be found of his visit;
 - said that he could not provide his driving licence at the appropriate time to the police or Licensing Department as this was with the DVLA for an address amendment;
 - had accumulated a total of 12 penalty points but was not disqualified by the Court due to exceptional hardship the reasons being that it would lead to loss of employment as a taxi driver.
- (e) however councillors were concerned that –
 - Mr Elliott had accumulated 12 points in approximately 12 months since he changed your Private Hire Driver's Licence to a Hackney Carriage Driver in September 2009. All points had therefore been acquired since he became a licensed taxi driver;
 - all four offences were required to be reported under the Hackney Carriage Byelaws and Private Hire Driver's Licence conditions. No such reports were received at the Licensing office;
 - the Licensing Officer's records showed that they made five requests by telephone and letter before Mr Elliott finally attended some six months later with his DVLA counterpart. This appeared to indicate a degree of evasiveness or at best reluctance to reveal the true extent of his convictions to the Licensing Department as required under the Hackney Carriage byelaws and Private Hire Driver's licence conditions;
 - since June 2009, Mr Elliott had been convicted of two speeding offences, an offence of using a motor vehicle with a defective tyre and an offence of driving whilst using a mobile telephone. These all give rise for serious concerns for public safety;

- although Mr Elliott had motoring convictions when he applied to become a Private Hire Driver in September 2008, Councillors of the committee decided to trust that his offending days were over and gave him an opportunity to prove that this was so. Within 12 months he had committed another offence, soon followed by others;
- on his own admission it was the driver's responsibility to check the safety of the tyres but he failed to do so;
- the last offence was committed only three months ago.

Agreed that the nature of Mr Elliott's four motoring offences committed over a 12 month period demonstrates a clear and strong disregard for the safety of the public at large and also his passengers who are entitled to feel and be safe in his vehicle. In addition Mr Elliott had breached the Plymouth City Council Hackney Carriage Byelaws and Private Hire Driver's Licence conditions by his actions in ignoring the Licensing Department's requests to attend to provide satisfactory evidence that he remained safe to drive a Hackney Carriage vehicle. Councillors have elected to apply Section 19(1)(b) of the Plymouth City Council Act 1975 and revoke Mr Elliott's licence as they no longer consider that he is a fit and proper person.

79. **EXEMPT INFORMATION**

Agreed that under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public are excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of confidential/exempt information as defined in paragraph 4 of Part 1 Schedule 12A of the (Local Government Access to Information) Act 1985, as amended by the Freedom of Information Act 2000.

80. **CONFIDENTIAL MINUTES**

Agreed that the confidential minutes of the meeting held on 30 September 2010 are confirmed as a correct record.

(Councillor Bowie was present for the following items 81, 82, 83, 84 and 85)

81. **LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENCE STATUS - KH**

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from KH;
- (c) heard from KH's representative Mr Wildman.

Councillors considered KH's request to adjourn the hearing and have agreed on the basis that KH's right to a fair hearing was impaired by his problems in obtaining legal or other representation. This agreement is on the proviso that the hearing is adjourned to the next committee date and councillors made KH aware that should he choose not to attend or to attend without representation, then the hearing will take place in his absence and all sanctions against his licence will be considered.

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

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from AMP;
- (c) taken into account all that was said.

Agreed the application for a Private Hire Driver's Licence is granted and that AMP is required to complete the VRQ, or equivalent driver qualification in 'Transporting Passengers by Taxi and Private Hire' within the first 12 months of any licence being issued to him.

(Councillor Reynolds was not present for items 82, 83, 84, 85)

83. **APPLICATION FOR THE GRANT OF A RESTRICTED PRIVATE HIRE DRIVER'S LICENCE - PJF**

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from PFJ;
- (c) taken into account all that was said.

Agreed the application for a Restricted Private Hire Driver's Licence is granted and that PFJ is required to complete the VRQ, or equivalent driver qualification in 'Transporting Passengers by Taxi and Private Hire' within the first 12 months of any licence being issued to him.

84. **APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - TRR**

The committee heard that TRR was not present and as such his application would be discontinued.

(Councillor Rennie declared a personal and prejudicial interest in this matter and left the room)

85. **APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - SLH**

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from SLH;
- (c) taken into account all that was said.

Agreed that the application for a Hackney Carriage Driver's Licence is granted and that SLH is required to complete the prerequisites for the grant of a licence the knowledge of Plymouth test, the driving standards test and the medical examination. SLH is also required to complete a Level 2 VRQ driver qualification in 'Transporting Passengers by Taxi and Private Hire' or equivalent within the first 12 months of any licence issued.