

Licensing Committee (Hackney Carriage)

Thursday 31 March 2011

PRESENT:

Councillor Fox, in the Chair.
Councillors Drear, Haydon and Reynolds.

Apologies for absence: Councillors Bowie, Delbridge and Rennie.

Also in attendance: Sharon Day (Lawyer), James Hirst (Assistant Licensing Officer), Mark Small (Licensing Officer).

The meeting started at 10.00 am and finished at 5.00 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.

138. DECLARATIONS OF INTEREST

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

139. MINUTES

Agreed that the minutes of the meeting held on 3 March 2011 are confirmed as a correct record.

140. CHAIR'S URGENT BUSINESS

With the permission of the Chair Mr Wildman, Plymouth Licensed Taxi Association (PLTA) was invited to address the committee. The committee were informed that the PLTA did not condone the recent correspondence sent to all councillors about the de-limitation of taxi's in Plymouth adding that they wished to completely disassociate themselves from this correspondence.

141. APPEAL CASES

The Committee was advised that there were no new appeal cases since the last meeting, although one appeal was still pending.

142. LICENSED PRIVATE HIRE DRIVER REVIEW OF DRIVER LICENCE STATUS - P SICH

The committee having –

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

- (b) heard from Mr Sich;
- (c) taken into account;
 - (i) Mr Sich had been a licensed private hire driver since 2007;
 - (ii) on the 10 November 2010 he received two convictions;
 - for using a mobile phone whilst driving and was fined £50 and three penalty points;
 - for using a vehicle with a defective tyre for which he was fined £100;
 - (iii) Mr Sich had failed to notify the Council of the convictions in accordance with the terms of his licence. He explained this was because he thought he didn't have to report it until he got his counterpart licence back from DVLA;
 - (iv) motoring offences were all relevant considerations under the Council's licensing policy;
 - (v) Mr Sich apologised for not reporting the conviction saying that in light of the fact he was still waiting to receive his counterpart licence back it would be ok to report it at renewal.

Agreed that having taken into account all that was said the committee decided that Mr Sich would be sent a warning letter in relation to the convictions and the breach of licence conditions. This warning letter would be placed on file and be brought to the committee's attention if Mr Sich appears before them again.

143. **LICENSED PRIVATE HIRE DRIVER REVIEW OF DRIVER LICENCE STATUS - S QUENAULT**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Quenault;
- (c) taken into account;
 - (i) Mr Quenault had been a licensed private hire driver since 2003 and his current licence was due to expire on the 17 June 2011;
 - (ii) on the 4 January 2011 he was convicted of using his vehicle registration number N513 XFJ with the ply/cord exposed. He was fined £67 and received three penalty points. As a

result he was disqualified from holding or obtaining a driving licence for six months due to repeat offending. He confirmed that he had been working at the time;

- (iii) Mr Quenault had failed to notify the Council of the convictions and previous fixed penalty points in accordance with the terms of his licence. He explained this was because he had overlooked it and just forgotten. He didn't realise that he had to report his conviction for smoking within his vehicle;
- (iv) Motoring offences and being disqualified from driving within five years were relevant considerations under the Council's licensing policy when considering the suitability of a person to hold or retain a licence;
- (v) Mr Quenault's previous history as a licence holder showed that he had had his private hire vehicle licence suspended due to a defective tyre and faulty lights. He had also been convicted of smoking within his licensed vehicle. Both of these occurred within the last 12 months;
- (vi) that Mr Quenault intended to return to the licensing trade when he regained his DVLA licence;
- (vii) Mr Quenault said that he checked his vehicle but had just overlooked the tyre problem. He said he had checked the tyre the day before he was stopped and hadn't noticed the defect. Mr Quenault accepted that the tyre would not have got into that state in one day. He did accept that his standards had dropped and he did need to improve but that he now had a new car and would leave the checks up to someone else.

The committee were concerned that the above and the content of the report demonstrated that Mr Quenault had a complete disregard for the standard of his vehicle, the safety of his vehicle, passenger safety and comfort.

Agreed that having taken into account all of the above Mr Quenault was no longer considered to be fit and proper to hold a private hire driver's licence. The committee considered that the smoking in the vehicle, the defective tyres and cleanliness of the vehicle affected the vehicle safety, comfort and access. Failing to comply with the conditions of licence did not demonstrate a willingness to work with the licensing authority and the defective tyres and fault lights raised serious concerns for public safety all being relevant under the Council's licensing objectives. Therefore Mr Quenaults licence is revoked under section 19(1) (b) of the Plymouth City Council Act 1975.

144. **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.

145. **LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF DRIVER LICENSE STATUS - PMI (E3 AND E7)**

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) decided to consider the matter in PMI's absence as he had previously failed to attend and had been warned that the matter would be heard in his absence if he failed to attend again.

Agreed that PMI's hackney carriage driver's licence would be revoked in accordance with section 19(1)(b) of the Plymouth city council act 1975 as he was not considered to be fit and proper to hold a hackney carriage drivers licence.

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

146. **LICENSED PRIVATE HIRE DRIVER REVIEW OF DRIVER LICENCE STATUS - DG (E3 AND E7)**

The Committee having:

- (a) considered the report from the Director for Community Services;
- (b) heard that DG had not attended nor indicated whether he would be attending. The licensing officer confirmed a letter had been sent to DG by recorded delivery advising that the matter was due to be heard today and that it would be considered in his absence if he did not attend, however this had not been signed for. A second invitation letter to today's meeting had been sent by first class post but no acknowledgement had been received.

The committee were concerned that they could not be certain that DG had received the letters advising of the hearing today and therefore agreed to adjourn the matter until the next meeting. A letter is to be sent to DG advising him of this decision and that the matter will be dealt with in his absence if he fails to attend the next meeting. The licensing officer is to also make all reasonable attempts to contact DG either by phone or in person to ensure he is aware of the next hearing date and the consequences of him failing to attend.

(Councillor Reynolds left the meeting at the end of this item and was not present for items 147, 148, 149 and 150)

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

The Committee having:

- (a) considered the report from the Director for Community Services;
- (b) heard from KPS that he had passed the driving standards test and the knowledge of Plymouth test.

Agreed that the application is granted to KPS, as with all new drivers he is required to complete the VRQ qualification in 'transporting passengers by taxi and private hire' or equivalent qualification within the first 12 months of his licence.

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

The Committee having:

- (a) considered the report from the Director for Community Services;
- (b) heard from SAS that he had passed the driving standards test and the medical examination but had yet to do the knowledge of Plymouth test.

Agreed that the application is granted subject to SAS satisfactorily completing the remaining pre-requisite being the Knowledge of Plymouth Test. In addition, as with all new drivers, SAS is required to complete the VRQ qualification in 'transporting passengers by taxi and private hire' or equivalent qualification within the first 12 months of his licence.

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

Due to LAO's non attendance at Committee, Members agreed that his application for the grant of a Private Hire Driver's Licence is held on file until such time as he contacts the licensing department.

150. **APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - DRM (E3 AND E7)**

The committee having –

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

(b) heard from DRM.

Agreed that in light of the all of that was said DRM was not considered to be a fit and proper person to hold a hackney carriage driver's licence.

(Note: there is a confidential part of this minute).