

Licensing Committee (Hackney Carriage)

Thursday 4 August 2011

PRESENT:

Councillor Reynolds, in the Chair (Minute Number 29 – 35)
Councillor Delbridge, in the Chair (Minute Number 36 – 42)
Councillor Delbridge, Vice Chair (Minute Number 29 – 35)
Councillor Mrs Nicholson, Vice Chair (Minute Number 36 – 40)
Councillor Churchill, Vice Chair (Minute Number 41 – 42)
Councillors Bowie, Haydon and Rennie.

Also in attendance: Andrea Gilbert (Lawyer), James Hirst (Licensing Officer) and Ross Johnston (Democratic Support Officer).

The meeting started at 10.00 am and finished at 2.35 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.

29. ANNOUNCEMENTS

Councillor Reynolds, Chair informed the committee that Mrs Nicholson had replaced Mrs Dolan as a member on the Licensing Committee (Hackney Carriage).

30. DECLARATIONS OF INTEREST

The following declarations of interest were made in accordance with the Code of Conduct in relation to items under discussion at this meeting –

Name	Subject	Reason	Interest
Councillor Churchill	Minute 34 –Licensed Private Hire Driver Review of Licence Status.	Knew of the driver.	Personal/Prejudicial
Councillor Bowie	Minute 41 – Application for the grant of a Private Hire Driver’s Licence.	Had previous dealings with the applicant.	Personal/Prejudicial

31. MINUTES

Agreed that the minutes of the meeting held on 7 July 2011 are confirmed as a correct record.

32. CHAIR’S URGENT BUSINESS

There were no items of Chair’s urgent business.

33. **APPEAL CASES**

The committee was informed that the two recent appeal cases against the committee's decisions for the revocation of a Hackney Carriage driver's licence and the refusal to grant a Private Hire Driver's Licence were both upheld by the Magistrates Court.

34. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - D CROITORU**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Croitoru;
- (c) heard details of Mr Croitoru's conviction for driving without due care and attention;
- (d) taken into account that Mr Croitoru –
 - (i) notified the Licensing Department of his conviction but not within the time required;
 - (ii) sent a letter to the licensing office apologising for the failure to notify within time and advising that he was unaware of this condition of his licence;
 - (iii) stated that he was now aware of the seven day reporting condition and would not make this mistake again;
 - (iv) was very honest in his answers to questions put to him by members.

However, members were concerned that –

- (vi) these offences were committed while he was acting in his capacity as a taxi driver although he was not carrying any passengers at the time of the offences;
- (vii) he breached the conditions of his private hire driver's licence by not informing the Licensing Department of his offence in writing within the required seven days.

The decision of the Committee today is therefore that –

As a professional driver, Mr Croitoru's conviction for driving without due care and attention raised concerns for public safety which is a relevant consideration under the Council's licensing objective of safety and health of drivers and the public.

The Hackney Carriage and Private Hire Driver's Licensing Policy states that motoring offences are relevant offences for considering the suitability of a person to retain a licence.

Mr Croitoru notified the Licensing Department of his conviction but not within seven days as required by the terms and conditions of his private hire driver's licence.

Members agreed that they therefore consider it a proportionate decision to suspend Mr Croitoru's Private Hire Driver's Licence for one day.

(Councillor Churchill declared a personal and prejudicial interest and withdrew from the meeting during consideration of the above item).

35. **LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENCE STATUS - DJ EDE**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Ede;
- (c) heard details of Mr Ede's conviction for speeding and failing to give information as to the identity of the driver;
- (d) heard from Mr Ede's representative Mr Hamilton;
- (e) taken into account that Mr Ede –
 - (i) appeared to have notified the Licensing Department of his December 2008 speeding conviction in the correct manner;
 - (ii) stated he was not receiving his post due to domestic issues;
 - (iii) had learnt by his mistakes and in his own words, had had a wake-up call.

Members also heard of several occasions when Mr Ede had acted as a Good Samaritan to the credit of his profession.

However, members were concerned that –

- (iv) he had been convicted of speeding in February 2009 and for failing to give information as to the identity of the driver in May 2009;
- (v) by his own admission he also committed a further speeding offence resulting in a conviction on 1 Dec 2008 although the three points awarded were not shown on his DVLA licence;
- (vi) these offences were possibly committed while he was acting in his

capacity as a taxi driver but he could not confirm or deny this;

- (vii) he breached the conditions of his private hire driver's licence by not informing the Licensing Department of his most recent two offences in writing within the required seven days;
- (viii) he currently had six penalty points on his licence.

The decision of the Committee today is therefore that –

Mr Ede's attitude towards controlling his speed and apparent disregard for the rules of the road raised concerns for public safety which is a relevant consideration under the Council's licensing objective of safety and health of drivers and the public.

The Hackney Carriage and Private Hire Driver's Licensing Policy states that motoring offences are relevant offences for considering the suitability of a person to retain a licence.

There is no record of Mr Ede notifying the Licensing Department of his two most recent convictions as required by the terms and conditions of his private hire driver's licence.

Mr Ede's fitness to drive a licensed vehicle has been called into question and members therefore agreed to suspend his licence for a total of four days. Members also require Mr Ede to hand in his VRQ certificate to the Licensing Department within seven days. Failure to do so will result in his attendance at the next available committee hearing to explain why he has not complied.

(Councillor Reynolds left the meeting at the end of this item and was not present for items 36 – 42.

It was agreed that Councillor Delbridge would step into the Chair for the remainder of the meeting with Councillor Mrs Nicholson stepping into the Vice-Chair)

36. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - V BANTA**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Banta;
- (c) heard details of Mr Banta's conviction and fixed penalty notices;
- (d) taken into account that Mr Banta –
 - (i) stated he had taken steps to ensure he was a safer driver, including installing a hands free phone kit, a satellite navigation unit and generally taking a lot more care on the road.

However, members were concerned that –

- (ii) having only been granted a provisional private hire driver's licence in June 2008, he was convicted in February 2009 of contravening pedestrian crossing regulations with a stationary vehicle and then in May 2009 he was issued with a fixed penalty notice for using a mobile phone whilst driving a motor vehicle;
- (iii) both of these offences were committed during the probationary period of his licence;
- (iv) in addition he was issued with a further fixed penalty notice for speeding and received a further three penalty points;
- (v) he had now accrued a total of nine penalty points;
- (vi) one of these offences was committed while he was acting in his capacity as a taxi driver with a passenger on board;
- (vii) he breached the conditions of his private hire driver's licence by not informing the Licensing Department of any of these offences in writing within the required seven days.

The decision of the Committee today is therefore that –

These offences raise concerns in respect of public safety which is a relevant consideration under the Council's licensing objective of safety and health of drivers and the public.

The Hackney Carriage and Private Hire Drivers Licensing Policy states that motoring offences are relevant offences for considering the suitability of a person to retain a licence.

Members have agreed today to suspend Mr Banta's licence for six days in total. This comprises three days in respect of the offences and three days for failing to notify the Licensing Department of these offences in the correct manner.

Members also require Mr Banta to hand in his VRQ certificate within seven days. Failure to do so should result in him being called to attend at the next available Committee to explain why he has not complied.

37. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - M C EDDY**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Eddy;
- (c) heard details of Mr Eddy's convictions for driving without due care and attention and speeding;

- (d) taken into account that Mr Eddy –
 - (i) notified the Licensing Department of his conviction within the correct time and was very honest in the replies that he gave to members questions.

However, members were concerned that –

- (ii) he had been convicted of driving without due care and attention;
- (iii) he had also received a previous conviction in respect of speeding and he also failed to inform the licensing department of that conviction and he received a suspension on his licence for two days in respect of that matter;
- (iv) at the moment he had 11 live penalty points on his licence;
- (v) the most recent offence was committed while he was acting in his capacity as a taxi driver and he had a passenger on board at the time.

The decision of the Committee today is therefore that –

As a professional driver Mr Eddy's standard of driving raises concerns for public safety which is a relevant consideration under the Council's licensing objective of safety and health of drivers and the public.

The Hackney Carriage and Private Hire Driver's Licensing Policy states that motoring offences are relevant offences for considering the suitability of a person to retain a licence.

Members agreed that they consider it a proportionate decision to give Mr Eddy a warning, that warning to lie on his file in the event of any future attendance at this Committee.

As the Licensing Committee (Hackney Carriage) shall have the discretion to direct a driver appearing before them to complete further training or retraining should the driver's suitability to retain a licence be called into question, members direct that Mr Eddy be required to obtain the Level 2 VRQ in Transporting Passengers by Taxi and Private Hire or equivalent within the next 12 months and attend at the Licensing Department when this has been attained. Should this qualification not be completed by 3 August 2012, he will be brought back before the Committee and all sanctions against his license will be considered. If Mr Eddy meets with any enrolment problems, he will be required to advise the Licensing Department at the earliest possible opportunity.

38. **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 3 and 7 of Part 1 Schedule 12A of the (Local Government Access to Information) Act 1985, as amended by the Freedom of Information Act 2000.

39. **CONFIDENTIAL MINUTES (E3 AND E7)**

Agreed that the confidential minutes of the meeting held on 7 July 2011 are confirmed as a correct record.

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

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

(Councillor Mrs Nicholson left the meeting at the end of this item and was not present for items 41 and 42.

It was agreed that Councillor Churchill would step into the Vice-Chair for the remainder of the meeting)

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

The committee having –

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

Agreed to grant PJC's application for a Private Hire Driver's Licence. This licence is to be granted without the requirement to sit the Knowledge of Plymouth test, however it is subject to him obtaining a Group II medical report and Driving Standards test as he has not been operating as a taxi driver for some time.

As PJC stated he had already completed the VRQ qualification on Transporting Passengers by Taxi and Private Hire or its equivalent, he will be required to pass a copy of this certificate to the Licensing Department within seven days.

(Councillor Bowie declared a personal and prejudicial interest and withdrew from the meeting during consideration of the above item).

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

The committee having –

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

Agreed to grant SPW's application for a Private Hire Driver's Licence. This licence is granted subject to him obtaining a Group II medical report and the Driving Standards test, however he will be exempt from the Knowledge of Plymouth test.