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Date: 13-3-2012

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TAXI LICENSING COMMITTEE

Date: Thursday 22 March 2012

Time: 12pm

Venue: Council House

Members:

Councillor Reynolds, Chair

Councillor Delbridge, Vice Chair

Councillors Bowie, Churchill, Haydon, Mrs Nicholson and Rennie.

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.

Please note that unless the Chair of the meeting agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used in meetings.

Barry Keel
Chief Executive

TAXI LICENSING COMMITTEE

AGENDA

PART I – PUBLIC MEETING

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 - 8)

To confirm the minutes of the meeting held on 23 February 2012.

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. 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 I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE MEETING)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

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

7. CONFIDENTIAL MINUTES (E3 AND E7) (Pages 9 - 12)

To confirm the minutes of the meeting held on 23 February 2012.

8. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - OAA (E3 AND E7) (Pages 13 - 16)

The Director for Place will submit a report on the application for the grant of a private hire driver's licence.

9. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - NJM (E3 AND E7) (Pages 17 - 20)

The Director of Place will submit a report on an application for the grant of a private hire driver's licence.

10. APPLICATION FOR THE GRANT OF A RESTRICTED PRIVATE HIRE DRIVER'S LICENCE - SNM (E3 AND E7) (Pages 21 - 28)

The Director for Place will submit a report on an application for the grant of a restricted private hire driver's licence.

11. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - CPB (E3 AND E7) (Pages 29 - 34)

The Director for Place will submit a report on an application for the grant of a hackney carriage driver's licence.

12. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - AJR (E3 AND E7) (Pages 35 - 40)

The Director for Place will submit a report on an application for the grant of a hackney carriage driver's licence.

13. LICENSED HACKNEY CARRIAGE DRIVER - APPLICATION FOR EXEMPTION - SOH (E3 AND E7) (Pages 41 - 48)

The Director for Place will submit a report on a licensed hackney carriage driver application for exemption.

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Taxi Licensing Committee

Thursday 23 February 2012

PRESENT:

Councillor Reynolds, in the Chair.
Councillor Delbridge, Vice Chair.
Councillors Bowie, Churchill, Haydon, Mrs Nicholson and Rennie.

Also in attendance: George Curness (Licensing Officer (Taxis)), Ann Gillbanks (Senior Lawyer), Andrea Gilbert (Lawyer), David Hughes (Senior Environmental Health Officer (Licensing)) and Helen Wright (Democratic Support Officer).

The meeting started at 10am and finished at 3.20 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.

116. DECLARATIONS OF INTEREST

Councillor Delbridge declared a personal interest in accordance with the code of conduct relating to minute 128 as he knew the doctor in this case.

117. MINUTES

Agreed that the minutes of the meeting held on 25 January 2012 are confirmed as a correct record.

118. CHAIR'S URGENT BUSINESS

The Chair advised that –

- (a) Plymouth City Council's decision had been upheld by the Plymouth Magistrate's court in a recent appeal case;
- (b) the meeting of the Taxi Licensing Committee would be held on 22 March 2012 but at a slightly later time of 12pm.

(In accordance with Section 100(B)(4)(b) of the Local Government Act 1972, the Chair brought forward the above items for urgent consideration because of the need to inform Members).

119. APPEAL CASES

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

Order of Business

The order of business on the agenda was amended as set out below in the minutes.

120. **LICENSED HACKNEY CARRIAGE DRIVER APPLICATIONS FOR WHEELCHAIR EXEMPTIONS STATISTICS**

The Senior Lawyer explained that this item had been published as a part II item in error. It had never been the intention for the report to be in part I.

The Senior Environmental Health Officer (Licensing) submitted a report on the licensed hackney carriage driver applications for wheelchair exemptions statistics, which highlighted the following main points –

- (a) there were 367 hackney carriages licensed by Plymouth City Council, all were wheelchair accessible (these were driven by 445 licensed drivers, some vehicles having two drivers);
- (b) 50 drivers currently had exemptions (47 of which were life time exemptions) which equated to 11 per cent;
- (c) since the adoption of the policy in November 2008 there had been –
 - one exemption granted in 2008
 - nine exemptions granted in 2009
 - one exemption granted in 2010
 - six exemptions granted in 2011 (two for one year only)
 - two exemptions granted in 2012 (one for one month only)
- (d) since the policy was adopted in 2008, two changes had been made to the application process; firstly a paragraph was included in the application form which stated that the GP considered the applicant to satisfy DVLA Group 2 driver medical standards (this was included as applicants may have been on medication or had conditions that in some way would prevent them attaining this standard);
- (e) the second change was to the wording ‘in your opinion, does this person have a medical condition which is aggravated by his/her condition’; this has changed to ‘medical condition which prevents him/her from assisting wheelchair users’;
- (f) there were two spikes in the statistics in 2009 and 2011; in 2011 two drivers convicted of not adequately securing a wheelchair.

The Chair thanked the officers for attending.

(Councillor Churchill was not present for this item only).

121. **LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENCE STATUS - J TRENİK**

The committee –

- (a) considered the report of the Director of Place;
- (b) heard from Mr Trenik;
- (c) heard from Mr Trenik's representative, Mr Wildman and had sight of documents provided to support his hearing;
- (d) heard details of Mr Trenik's driving offences and failed vehicle inspections;
- (e) heard from the licensing officer regarding several amendments to the report;
- (f) having taken into account that –
 - three of Mr Trenik's penalty points had recently expired;
 - Mr Trenik stated that he did not receive notification of the court hearing and was therefore unable to represent himself;
 - Mr Trenik had not received a conviction since October 2009, although he did receive a fixed penalty notice for contravention of a traffic light signal in October 2011;
 - Mr Trenik stated that he was not carrying passengers when he committed any of the offences;
 - Mr Trenik stated he would suffer hardship if he was unable to continue as a taxi driver;
- (g) was concerned that –
 - Mr Trenik accrued a current total of 11 penalty points since January 2009 which were awarded in respect of two speeding offences, using a handheld phone whilst driving and contravention of a traffic signal;
 - none of these offences were reported to the licensing department in the correct manner resulting in a breach of the terms and conditions of his licence on each occasion;
 - in addition, his vehicle had failed an inspection on six occasions in the last 14 months; some of these inspections revealed very

serious defects in his vehicle;

- Mr Trenik admitted that he had driven in a vehicle which he believed could be defective;
- Mr Trenik completed a form for renewal but failed to declare any of his convictions.

The Hackney Carriage and Private Hire Drivers' Licensing Policy stated that motoring offences and contravention of licensing conditions were relevant offences for considering the suitability of a person to retain a licence. In addition the Plymouth City Council Act 1975 19(1)(b) enabled the Council to suspend, revoke or refuse to renew the licence of a driver of a hackney carriage or private hire vehicle for any other reasonable cause.

Members considered that as you were a licensed hackney carriage driver he should have regard to the rules of the road at all times. It was not known why the magistrates did not consider disqualification when his original points tally reached 14. However, Plymouth City Council was charged with protecting the safety of the public. They considered that his convictions, fixed penalty points, failed vehicle inspections and attitude towards the condition of his licence indicated an alarming lack of consideration for the safety of his passengers and the general public.

The committee agreed it would be a proportionate decision to suspend Mr Trenik's licence for 21 days and also require him to re-sit his driving test; this must be completed within six months. Failure to provide the licensing department with a newly passed driving certificate by 22 August 2012 will result in him having to appear before this committee and all sanctions against his licence will be considered at that time.

In addition, as the Taxi Licensing Committee does have the discretion to direct a driver appearing before it to complete further training or re-training, should the driver's suitability to retain a licence be called into question, Members direct that he is 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 February 2013, Mr Trenik will be brought back before the committee and all sanctions against his licence will be considered.

(Councillor Delbridge left the room for this item only).

The committee raised concerns regarding the standard of both private hire and hackney carriage vehicles.

The committee agreed to instruct officers to take the necessary action to ensure that all vehicles both private hire and hackney carriage are to the required standard and if the standard is not reached, the appropriate action is taken.

122. **EXEMPT INFORMATION**

Agreed that under Section 100A(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 exempt information as defined in paragraphs 3 and 7 of Part I Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

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

Agreed that the minutes of the meeting held on 26 January 2012 are confirmed as a correct record.

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

The committee –

- (a) considered the report from the Director of Place;
- (b) heard from NDW.

The committee agreed that NDW's licence is suspended for six days which represents two days for each offence. NDW is also required to re-sit the driving test which must be completed within six months; failure to provide the licensing department with a newly passed driving certificate by 22 August 2012, or his renewal date, whichever is earlier, will result in NDW having to appear before the committee and all sanctions against his licence will be considered at that time. NDW is also required to obtain a medical certificate within the next 14 days; if this certificate is not provided to the licensing department by 9 March 2012, NDW will be required to attend the next available committee and all sanctions against his licence will be considered at that time.

(vote – Councillors Bowie, Haydon and Rennie voted against this decision).

(Please note there is a confidential part to this minute).

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

The committee –

- (a) considered the report from the Director of Place;
- (b) heard from AD.

The committee agreed to grant AD's application for a hackney carriage driver's licence. AD will be required to complete the VRQ level 2 driver qualification in Transporting Passengers by Taxi and Private Hire or equivalent within the first 12 months of the issue of his hackney carriage driver's licence, in common with all new applicants.

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

The committee –

- (a) considered the report from the Director of Place;
- (b) heard from the licensing officer that a letter had been received from RRWB stating that he had withdrawn his application as he had now completed the pre requisite requirements for the grant of a licence.

127. **LICENSED HACKNEY CARRIAGE DRIVER APPLICATION FOR EXEMPTION - KRB (E3 AND E7)**

The committee –

- (a) considered the report from the Director of Place;
- (b) heard from KRB;
- (c) heard from KRB's representative.

The committee agreed to grant KRB's request for a life time exemption from assisting and carrying wheelchair users in his hackney carriage.

(Vote – Councillors Bowie, Churchill and Rennie voted against KRB being granted a life time exemption).

(Please note there is a confidential minute to this minute).

128. **LICENSED HACKNEY CARRIAGE DRIVER APPLICATION FOR EXEMPTION - BGM (E3 AND E7)**

The committee –

- (a) considered the report from the Director of Place;
- (b) heard from BGM.

The committee agreed that because BGM had initially requested a 12 month exemption from his doctor, that this should be the exemption that BGM is granted. If his condition does not improve, he is invited to make a new application for a life time exemption when the 12 month period expires.

(Councillor Delbridge declared a personal interest in the above matter as he knew the doctor in this case).

(Please note there is a confidential minute to this minute).

Following the legal advice provided to the committee, concerns were raised relating to the process when considering licensed hackney carriage driver applications for exemptions.

The committee agreed that as a matter of urgency officers are asked to review this process.

129. **LICENSED HACKNEY CARRIAGE DRIVER APPLICATION FOR EXEMPTION
- SOH (E3 AND E7)**

The committee –

- (a) considered the report from the Director of Place;
- (b) heard from the licensing officer that SOH had elected to attend the March meeting of the committee.

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