

# **Taxi Licensing Committee**

**Thursday 7 June 2012**

## **PRESENT:**

Councillor Haydon, in the Chair.

Councillor Bowie, Vice-Chair.

Councillors Rennie, Mrs Nicholson, Singh, Mrs Foster and Ricketts (part).

Also in attendance: Andrea Gilbert (Lawyer), George Curness (Licensing Officer), David Hughes (Senior Environmental Health Officer), and Katey Johns (Democratic Support Officer).

The meeting started at 10 am 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.*

### **1. TO NOTE THE APPOINTMENT OF CHAIR AND VICE CHAIR**

The Committee noted the appointment of Councillor Haydon as Chair and Councillor Bowie as Vice-Chair.

### **2. DECLARATIONS OF INTEREST**

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

### **3. MINUTES**

Agreed the minutes of the meeting held on 19 April 2012.

### **4. CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

### **5. APPEAL CASES**

The Committee was advised that there were no new appeal cases since the last meeting.

### **6. ENFORCEMENT ACTIVITY REPORT 2011**

The Committee considered the report of the Director for Place, as presented by David Hughes, Senior Environmental Health Officer. The report provided a summary of the work undertaken in licensing and regulating the hackney carriage and private hire trades throughout 2011 and up to 31 March 2012, including –

- Review of the Vehicle Emission Policy;

- Licence Fees;
- Hackney Carriage Table of Fares (Tariff);
- Review of Hackney Carriage Quantity Limits;
- Hackney Carriage Rank Review;
- New Knowledge of Plymouth Test;
- Review of Hackney Carriage and Private Hire Licensing Policy;
- Licensing Process;
- Enforcement Options including patrols, inspections, training and awareness and plying for hire;
- Work initiatives for 2012.

In response to questions raised, Members were informed that –

- (a) a request to site a permanent rank at the top of Cornwall Street had been reviewed and rejected following consultation with the statutory parties. However, whilst this area remained a ‘no waiting’ zone, taxis were still permitted to drop off and pick up customers;
- (b) applicants who failed the Plymouth knowledge test were currently able to re-take the test as many times as they wished;
- (c) the cost of the knowledge and driving tests were £60 and £80 respectively;
- (d) prior to taking each test, the applicant had to undertake a CRB check or, provide a certificate of good conduct if they have been working abroad for a period greater than three months, and also produce a valid photo ID;
- (e) with regard to vehicle defects, training and awareness raising were provided to all drivers in the form of guidance notes and check-sheets and drivers were responsible for checking their vehicles prior to taking them out for the day;
- (f) fixed penalty notices in respect of smoking had been exceptionally high last year, however, the figure for this year was considerably lower at just 6 to date;
- (g) there had been no fines in relation to plying for hire as, despite reports to the contrary, there had been no evidence to substantiate claims that it was;
- (h) any response to the Law Commission for England and Wales’ consultation on changes to the hackney carriage and private hire legislation would be drafted in consultation with the committee chair and the Cabinet Member for Transport.

With the permission of the Chair, the Committee heard from Mr. Wildman, Vice-Chair of Plymouth Hackney Carriage Drivers’ Association who made representations on behalf of the trade with regard to –

- siting of a permanent taxi rank at the top of Cornwall Street;
- impact of the Law Commissions review;
- vehicle defects;
- plying for hire.

The Chair welcomed the Officer's report and Mr Wildman's contribution and thanked them both for their attendance.

7. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - I F TROTUS**

The Committee –

- (a) considered the report from the Director for Place;
- (b) heard from Mr Trotus and his representative;
- (c) Took into account –
  - that Mr Trotus did not have any passengers on board when he committed the first two offences;
  - that Mr Trotus reported two of these offences to the Licensing Section in writing as required although not within the stipulated seven day period. One of these notifications was made eight months after the offence was committed;
  - that Mr Trotus has now implemented a checking regime for his vehicle before using it, in compliance with his VRQ training.

Members were concerned that –

- (d) Mr Trotus' first offence was committed within the probationary year of being issued with a Private Hire driver's licence and his second within the probationary year of being issued with a Hackney Carriage driver's licence;
- (e) there were currently nine penalty points held on Mr Trotus' DVLA licence;
- (f) the tyre on Mr Trotus' vehicle which was found to be defective was in an exceptionally bad and dangerous condition and, by his own admission, he drove his vehicle with the tyre in that condition for at least four days.

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. In addition, the Plymouth City Council Act 1975 enables the Council to suspend, revoke or refuse to renew the licence of a driver of a Hackney Carriage vehicle for any other reasonable cause.

Members consider that as Mr Trotus is a licensed Hackney Carriage driver, he should have regard to the rules of the road at all times, however, Members heard how he committed three motoring offences since he was first licensed by this Council in 2009.

This raised concerns about his attitude to driving and Members therefore considered it to be a proportionate decision to suspend Mr Trotus' licence for five days in total. This

represents one day in respect of his failure to report the offences and four days in respect of the motoring and vehicle offences themselves.

8. **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 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act, 2000.

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

Agreed the minutes of the meeting held on 19 April 2012.

10. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - AJH (E3 AND E7)**

In light of AJH's non-attendance, the Committee agreed that –

- (1) final letters requesting AJH's attendance at the next meeting would be sent to the last two known addresses held on record by the authority;
- (2) should AJH fail to attend the next meeting to have the status of his hackney carriage licence considered, Members may elect to proceed with any of the possible sanctions against his licence which may include the revocation or suspension of his licence.

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

The Committee –

- (a) considered the report from the Director for Place;
- (b) heard from JMW.

Agreed that the application for a private hire driver's licence is granted, subject to the satisfactory completion of the pre requisite tests, namely the knowledge of Plymouth and driving standards tests, and completion of the VRQ driver qualification in 'Transporting passengers by Taxi and Private hire' or equivalent within the first 12 months of the licence being issued.

(Councillor Ricketts was not present for this or the remainder of the items).

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

The Committee –

- (a) considered the report from the Director for Place;

- (b) heard from GAD and his representative.

Agreed that, due to issues raised by GAD during the course of the committee hearing, consideration of the application be adjourned until the next available committee date following provision of a certificate of good conduct in respect of every country resided in by the applicant for a period of over three months.

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

The Committee –

- (a) considered the report from the Director for Place;
- (b) heard from KH.

Agreed that the application for a private hire driver's licence is granted, subject to the satisfactory completion of the remaining pre requisite test. They agreed to the applicant's request for an exemption from the knowledge of Plymouth test in view of the short time that he has been away from the trade. KH is required to provide a copy of his equivalent VRQ qualification within seven days to the Licensing Department. Should production of the VRQ driver qualification, or equivalent, not be forthcoming, the applicant will be required to complete the qualification within the next 12 months.