

## **Taxi Licensing Committee**

**Thursday 6 September 2012**

### **PRESENT:**

Councillor Haydon, in the Chair.

Councillor Bowie, Vice Chair.

Councillors Mrs Foster, Mrs Nicholson, Ricketts and Singh.

Apology for absence: Councillor Rennie.

Also in attendance: Sharon Day (Legal Officer), David Hughes (Senior Environmental Health Officer - Licensing), Mark Small (Licensing Officer - Taxis) and Helen Wright (Democratic Support 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.*

### 38. **DECLARATIONS OF INTEREST**

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

### 39. **MINUTES**

Agreed that the minutes of the meeting held on 2 August 2012 are confirmed as a correct record.

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

There were no items of Chair's urgent business.

### 41. **APPEAL CASES**

The committee was informed that the recent appeal case against the committee's decision for the revocation of a private hire driver's licence had been dismissed by Crown Court.

### 42. **LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - C R DYER**

The committee was informed that Mr Dyer had surrendered his badge and therefore no further action would be required.

43. **LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - P MARASESCU**

The committee –

- (a) considered the report of the Director for Place;
- (b) was advised that Mr Marasescu was not present and that no communication had been received by the licensing office to explain his absence.

The committee agreed that a new request for attendance at the next available committee is sent to Mr Marasescu by recorded delivery; if Mr Marasescu fails to attend the next committee, the matter may be considered in his absence and all possible sanctions against his licence will be considered, including revocation.

44. **LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - M BETEAN**

The committee –

- (a) considered the report of the Director for Place;
- (b) heard from Mr Betean and a representative from Taxi First;
- (c) took the following into account -
  - Mr Betean had been a private hire driver since November 2008;
  - Mr Betean had been convicted of assault by beating on 6 July 2012 at Plymouth Magistrate's Court; he had been sentenced to a 60 hour community service order on both counts and ordered to pay £750 compensation plus costs;
  - Mr Betean had informed the Council of the conviction on 19 July 2012;
  - Mr Betean's letter (at appendix A) and what he said during the hearing today;
  - that violent offences were relevant when considering the suitability of a person to hold or retain a licence;
  - the newspaper report regarding the court case and that Mr Betean disagreed with the accuracy of the report with regard to injuries to the victims;
  - the letters of recommendation handed in at the committee hearing;

- what was said on Mr Betean's behalf by the representative from Taxi First;
- that Mr Betean was sorry for the incident and had said that he would not react in the same way again.

The committee agreed that having taken all of the above into account a warning would be given to Mr Betean which would remain on his file and be brought to member's attention in the future, if he had to appear before the committee again.

45. **EXEMPT INFORMATION**

Agreed that 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.

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

Agreed that the minutes of the meeting held on 2 August 2012 are confirmed as a correct record.

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

The committee –

- considered the report of the Director for Place;
- heard from DDG.

The committee agreed that DDG's private hire driver's licence will be suspended under section 19(1)(b) of the Plymouth City Council Act 1975 for one day in respect of failing to report the conviction as per his conditions of licence, as this did not show a commitment to work with the licensing authority which was a relevant consideration in relation in the licensing objective of preventing crime and disorder and protecting consumers.

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

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

The committee –

- considered the report of the Director for Place;
- heard from POB and a representative from Taxi First.

The committee agreed that POB's licence would be suspended for two days under section 19(1)(b) of the Plymouth City Council Act 1975 with regard to the failure to comply with his conditions of licence, as this did not demonstrate a commitment to work with the licensing authority which is a relevant consideration under the prevention of crime and protection of consumers licensing objective.

(Councillor Mrs Nicolson left the committee meeting and was not present for the remaining items).

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

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

The committee –

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

The committee agreed to grant PKV's application for the grant of a private hire driver's licence subject to him satisfactorily completing all the remaining necessary pre-requisite tests, namely the Knowledge of Plymouth and medical examination and also completing the VRQ in Transporting Passengers by Taxi and Private Hire or equivalent qualification within the first 12 months of being licensed.

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

The committee –

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

The committee agreed to grant LAO's application for the grant of a private hire driver's licence subject to him satisfactorily completing all the remaining necessary pre-requisite tests, namely the Knowledge of Plymouth, driving standards test, medical examination and also completing the VRQ in Transporting Passengers by Taxi and Private Hire or equivalent qualification within the first 12 months of being licensed.

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

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from KJC and two people in support;

The committee agreed that having taken the above into account KJC was not considered to be a fit and proper person, as it was felt that it was too soon after his recent relapse to grant a hackney carriage driver's licence, as to do so posed a risk to public safety; the licence application was therefore refused.

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