

Taxi Licensing Committee

Thursday 25 October 2012

PRESENT:

Councillor Haydon, in the Chair.
Councillor Bowie, Vice Chair.
Councillors Mrs Foster, Mrs Nicholson, Rennie and Singh.

Apology for absence: Councillor Ricketts.

Also in attendance: George Curness (Licensing Officer), Steve Forshaw (Licensing Officer), Andrea Gilbert (Legal Officer), Helen Wright (Democratic Support Officer).

The meeting started at 10 am and finished at 3.15 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.

52. **DECLARATIONS OF INTEREST**

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

53. **MINUTES**

Agreed that the minutes of the meeting held on 6 September 2012 are confirmed as a correct record.

54. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

55. **APPEAL CASES**

There had been no new appeal cases reported since the last meeting.

56. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - J JOURNEAUX**

The committee –

- (a) considered the report of the Director for Place;
- (b) heard from Mr Journeaux;

- (c) heard a report detailing the faults found on Mr Journeaux's vehicles on three occasions and the two breaches of bye laws;
- (d) took into account the following –
 - the vehicle suspension notices imposed previously had already led to a loss of income on several occasions, in addition to a fixed penalty fine and three penalty points issued by the Police in respect of the incident dated 11 May 2012;
 - on none of the occasions on which Mr Journeaux was stopped, did he have passengers in his vehicle;
 - that Mr Journeaux had changed the proprietor of the vehicles he rented and had taken marked steps to make sure that his vehicle was properly checked each day.
- (e) was concerned that –
 - these serious incidents demonstrated a disregard for vehicle and therefore public safety;
 - all five incidents took place within the 12 month provisional period after the issue of Mr Journeaux's hackney carriage driver's licence.

Mr Journeaux's two breaches of licence conditions did not show a commitment to work with the licensing authority which was a relevant consideration in relation to the licensing objective of preventing crime and disorder and protecting consumers.

The committee have serious concerns regarding the apparent disregard for public safety displayed by Mr Journeaux and therefore agreed that it is proportionate to suspend his hackney carriage driver's licence for a period of five days, one day for each breach and suspension notice subject to s19(1) (b) Plymouth City Council Act 1975.

The committee agreed to extend Mr Journeaux's probationary period for a further 12 months after the licence renewal on 13 August 2012. Mr Journeaux's probationary period will therefore be extended until 12 August 2013.

(Councillor Bowie left the room).

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

The committee -

- (a) considered the report of the Director for Place;
- (b) heard from Mr Marasescu and his representative in respect of his offences;

- (c) heard a report detailing the faults found on Mr Marasescu's vehicles on four occasions;
- (d) took into account –
 - the vehicle suspension notices imposed previously had already led to a loss of income on several occasions;
 - an inspection of Mr Marasescu's vehicle in April 2011 found no faults;
- (e) was concerned that –
 - the decision Mr Marasescu made in respect of the maintenance of his vehicle and the answers he provided at today's committee meeting, gave rise to considerable concern for vehicle and therefore public safety;
 - one of the incidents took place within the 12 month provisional period after the issue of Mr Marasescu's private hire driver's licence.

Mr Marasescu's failure to maintain his vehicle correctly had led to his vehicle being found to be defective and in some instances dangerous on four occasions.

In respect of Mr Marasescu's licence and in accordance with s18 of Plymouth City Council Act 1975, the committee have agreed that it is a proportionate decision to suspend his vehicle licence number 1314 for two days.

In respect of Mr Marasescu's private hire driver's licence, the committee have serious concerns regarding the apparent disregard for public safety displayed by him and agreed that it is a proportionate to suspend his private hire driver's licence for a period of three days subject to s19(1) (b) Plymouth City Council Act 1975.

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

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

Agreed that the minutes of the meeting held on 6 September 2012 are confirmed as a correct record.

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

The committee -

- (a) considered the report from the Director for Place;
- (b) heard from SPI and his representative.

The committee agreed to grant SPI's application for a private hire driver's licence and agreed to exempt SPI from the Driving Standards and Knowledge of Plymouth tests due to the fact that SPI's licence had only lapsed this year. SPI will be required to complete the VRQ driver qualification in 'Transporting Passengers by Taxi and Private Hire' or its equivalent within the first 12 months of the licence being issued.

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

The committee -

- (a) considered the report from the Director for Place;
- (b) heard from MGG and his representative.

The committee agreed to grant MGG's application for a restricted private hire driver's licence subject to the satisfactory completion of the VRQ driver qualification in 'Transporting Passengers by Taxi and Private Hire' or its equivalent within the first 12 months of this licence being issued.

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

The committee –

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

The committee agreed to grant AFB's application for a private hire driver's licence subject to the satisfactory completion of the VRQ driver qualification in 'Transporting Passengers by Taxi and Private Hire' or its equivalent within the first 12 months of the licence being issued.

(Councillor Bowie returned to the room and was present for the remaining items on the agenda).

Order of Business

With the permission of the Chair, the order of business on the agenda was amended, as set out below in the minutes.

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

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from MM and her representatives.

The committee agreed to grant MM's application for a hackney carriage driver's licence subject to the satisfactory completion of the remaining pre-requisite tests, namely the Knowledge of Plymouth test, Driving Standards test and DVLA Group II Medical Certificate and the completion of the VRQ level II driver qualification in 'Transporting Passengers by Taxi and Private Hire' or equivalent within the first 12 months of the licence being issued.

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

The committee –

- (a) considered the report from the Director for Place;
- (b) BLS indicated that he required an opportunity to obtain legal representation to assist him at the hearing.

The committee agreed to adjourn the hearing until the next available committee, in order to enable BLS to arrange for legal representation.

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

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from PMI and his representative.

The committee agreed to grant PMI's application for a private hire driver's licence subject to him satisfactorily completing the Driving Standards test and DVLA Group II Medical Certificate but will exempt him from the Knowledge of Plymouth test.

The committee further agreed that PMI will be required to produce a copy of his completed VRQ driver qualification in 'Transporting Passengers by Taxi or Private Hire', to the licensing office within the next seven days. Failure to produce this document by 1 November 2012 will result in him being recalled to the next available Taxi Licensing Committee where all possible sanctions against his licence will be considered.

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

Due to CRW'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.