

Taxi Licensing Committee

Thursday 24 January 2013

PRESENT:

Councillor Bowie, Vice Chair in the Chair.

Councillor Mrs Nicholson, Vice Chair (am) and Councillor Mrs Foster, Vice Chair (pm).

Councillors Casey (Substitute for Councillor Haydon), Rennie, Ricketts and Singh.

Apology for absence: Councillor Haydon.

Also in attendance: George Curness (Licensing Officer), Andrea Gilbert (Legal Officer), Ann Gillbanks (Legal Officer), Andy Netherton (Safety, Health and Wellbeing Manager), Mark Small (Licensing Officer) and Helen Wright (Democratic Support Officer).

The meeting started at 10.00 am and finished at 4.10 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.

95. APPOINTMENT OF THE VICE CHAIR

The committee agreed to appoint Councillor Mrs Nicholson as Vice Chair for this particular meeting.

96. DECLARATIONS OF INTEREST

In accordance with the code of conduct Councillor Rennie declared a personal and prejudicial interest in minute 107.

97. MINUTES

Agreed that the minutes of the meeting held on 20 December 2012 are confirmed as a correct record.

98. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

99. APPEAL CASES

The committee was advised that there had been one appeal which had been upheld by the Magistrates Court.

100. **CORNWALL STREET RANK REVIEW**

The Director for Place submitted a report on the Cornwall Street rank review which highlighted the following main areas –

- historical and legal background;
- current rank provision;
- current access and parking restrictions;
- current rank review;
- rear courtyard;
- future actions.

The committee raised concerns that –

- (a) private hire vehicles were allowed to access the area but not hackney carriage vehicles;
- (b) by not reinstating the rank in Cornwall Street, this would lead to discrimination against disabled people as they would not be able to access the top of town;
- (c) there would be a public safety issue should the rank be reinstated, as this area was used by pedestrians.

The committee agreed that the report and the committee's concerns are submitted to the Portfolio Holder for consideration and that the Portfolio Holder consults with the trade regarding this matter.

(Please note: that during this agenda item there was a short adjournment for a fire alarm).

101. **HACKNEY CARRIAGE AND PRIVATE HIRE FEES**

The Director for Place submitted a report on the Hackney Carriage and Private Hire Fees, which included the following main areas –

- the legal framework;
- the process to vary fees;
- allocation of expenses and income;
- fee structure changes for 2013/14;
- future budget risk;

The committee agreed that the new fee structure, as set out in appendix I of the report, will be advertised in accordance with statutory requirements and a period of 21 days will be given for objections.

102. **LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - S R DONEY**

The committee -

- (a) considered the report from the Director for Place;
- (b) heard from Mr Doney;
- (c) heard a report which detailed the faults found on Mr Doney's vehicle on two occasions;
- (d) took the following into account that -
 - the Vehicle Suspension Notices imposed previously had already led to a loss of income;
 - Mr Doney had provided mitigating circumstances and expressed deep remorse for his actions and had taken positive steps to prevent any reoccurrences;
- (e) was concerned that –
 - a suspension notice was issued to Mr Doney on 16 November 2012 when officers found that two of his tyres had excess wear and had very low tread depth;
 - Mr Doney's comments to officers on that date indicated that he was aware of the defective condition of the tyres but continued to driver and transport passengers regardless nonetheless;
 - on 11 January 2008, both front tyres of Mr Doney's car were found to have excessive wear taking the tread depth to below the legal minimum level;
 - in September 2010, Mr Doney was brought before the committee for a review of his licence when he failed to supply a medical upon request. Members imposed a three day suspension on his private hire driver's licence on that occasion.

Mr Doney's failure to maintain his vehicle correctly had led to his vehicle being found to be defective. In respect of his vehicle licence 336 and in accordance with Section 18 of the Plymouth City Council Act 1975, the committee agreed that it is a proportionate decision to require Mr Doney to present his vehicle for testing every three months for the next 12 months. Mr Doney must present his vehicle to the Licensing department by the end of April 2013, July 2013, October 2013 and January 2014 or face being brought before the committee for further sanctions including the possible revocation of the vehicle licence.

In respect of Mr Doney's private hire driver's licence, the committee has serious concerns regarding the apparent disregard for public safety displayed by him, the committee agreed that it is a proportionate decision to suspend his private hire driver licence for a period of three days subject to S19(1) (b) of the Plymouth City Council Act, 1975.

The committee agreed that Mr Doney should complete the VRQ driver qualification in Transporting Passengers by Taxi and Private Hire, or equivalent within the next 12 months. If he had not completed this qualification by 23 January 2014, he may be brought back before the committee to face further sanctions.

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

The committee –

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

Mr Marasescu's case, in respect of his latest vehicle offences, was shortly due to be heard at Court. The committee agreed to wait until the result of that case, so that they could make a fully informed decision in respect of Mr Marasescu's vehicle and private hire driver's licence.

(Councillors Mrs Nicholson and Ricketts were not present for the remaining items on the agenda).

104. **APPOINTMENT OF VICE CHAIR**

The committee agreed that Councillor Mrs Foster is appointed as Vice Chair for this particular meeting.

105. **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.

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

Agreed that the minutes of the meeting held on 20 December 2012 are confirmed as a correct record.

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

The committee –

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

The committee agreed to grant SD's application for a private hire driver's licence subject to him satisfactorily completing all the pre requisite tests and completing the VRQ driver qualification in Transporting Passengers by Taxi and Private Hire, or equivalent within the first 12 months of the grant of this licence.

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

The committee –

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

Having taken the above into account the committee agreed to refuse the grant of DCS's application for a private hire driver's licence, as he is not considered to be a fit and proper person to hold a licence.

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

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

The committee –

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

The committee agreed to grant JB's application for a private hire driver's licence subject to him satisfactorily completing all the pre requisite tests and completing the VRQ driver qualification in Transporting Passengers by Taxi and Private Hire, or equivalent within the first 12 months of the grant of this licence.

(Councillor Rennie declared a personal and prejudicial interest in this matter and left the room).