

Taxi Licensing Committee

Thursday 28 March 2013

PRESENT:

Councillor Bowie, Vice Chair in the Chair.

Councillor Mrs Nicholson, Vice Chair.

Councillor Casey (substitute for Councillor Haydon), Mrs Foster, Rennie and Singh.

Apologies for absence: Councillors Haydon and Ricketts.

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

The meeting started at 10 am and finished at 2.35 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.

124. APPOINTMENT OF VICE CHAIR

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

125. DECLARATIONS OF INTEREST

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

126. MINUTES

Agreed that the minutes of the meeting held on 28 February 2013 are confirmed as a correct record subject to the amendment 'Singh' (minute 110. Refers).

127. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

128. APPEAL CASES

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

129. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - N L JORDAN**

The committee heard that due to personal circumstances Ms Jordan was not able to attend this meeting of the committee.

The committee agreed to adjourn this matter to the next appropriate meeting due to the severity of Ms Jordan's personal circumstances which had led to her non-attendance at this meeting.

130. **LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - D S GILBERY**

Due to Mr Gilbery's non-attendance at this meeting, the committee agreed to defer this matter to the next committee meeting and that the case would be heard in Mr Gilbery's absence at which the committee could use its powers to suspend or revoke his licence.

131. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - F J MARTIN**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from Mr Martin;
- (c) heard from Mr Martin's representative, Mr Wildman;
- (d) took the following into consideration that –
 - Mr Martin was going through great personal difficulties at the time of the speeding offences;
 - Mr Martin had stated that on one of the speeding occasions he had a passenger in his vehicle;
 - Mr Martin's explanation regarding the notification of his latest offence was accepted;
- (e) was concerned that -
 - it had been noted that Mr Martin received a fixed penalty notice on 6 January 2012 for speeding and received three penalty points; this offence was repeated on 22 January 2013 and he received the same fine and penalty;
 - by Mr Martin's own admission he failed to report his offences in the correct manner on two occasions;

- on 30 October 2012 Mr Martin was convicted for speeding on a public road and was disqualified from driving for six months due to repeat offending; however, this disqualification was suspended and a later appeal hearing against sentence which took place on 4 January 2013 was successful.

The Hackney Carriage and Private Hire Drivers' Licensing Policy stated that motoring offences were relevant offences for considering the suitability of a person to retain a licence. In addition Section 19 of the Plymouth City Council Act, 1975 enabled 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 considered that as Mr Martin is a licensed Hackney Carriage driver he should have regard to the rules of the road and the licensing authority at all times.

The committee agreed to suspend Mr Martin's licence for two days in view of his failure to report his earlier speeding offences in writing as required by the Hackney Carriage Bylaws.

The committee further agreed due to concerns regarding his propensity to speed and the fact that these offences had been committed over a short period of time, the Taxi Licensing Committee has the discretion to direct a driver appearing before it to complete further training or retraining, should the driver's suitability to retain a licence be called into question; the committee direct that Mr Martin 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 April 2013, Mr Martin will be brought back before the committee and all sanctions against his licence will be considered.

132. **LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - P SICH**

The committee –

- (a) considered the report of the Director for Place;
- (b) heard from Mr Sich;
- (c) took into account –
 - that he chose to dispose of his speeding offence by attending a speeding awareness course but did not receive the appointment date due to postal issues and lost his opportunity, resulting in attendance and court;
 - that Mr Sich stated that he did not have any passengers in his vehicle when he committed the three offences;
 - that Members accepted that he was unable to report his October 2012 conviction in the correct manner because he was out of the country;

(d) was concerned that -

- on 30 August 2010, he was convicted of using a vehicle with a defective tyre;
- on 31 March 2011, he was convicted of using a mobile phone;
- on 30 October 2012 he was convicted of speeding and received a substantial fine of £300;
- despite a warning given from an earlier committee not to commit any further offences, which would lead to a further appearance before it, he committed a speeding offence and had now had to attend for a second time within 12 months.

The Hackney Carriage and Private Hire Drivers' Licensing Policy stated that motoring offences were relevant offences for considering the suitability of a person to retain a licence.

In addition Section 19 of the Plymouth City Council Act 1975, enabled the Council to suspend, revoke or refuse to renew the licence of a driver of a private hire vehicle for any other reasonable cause.

In view of Mr Sich's speeding offence which gives rise to concern for public safety, the committee agreed to suspend his licence for two days.

The committee further agreed that it had the discretion to direct drivers appearing before it to complete further training or retraining, should the driver's suitability to retain a licence be called into question; the committee direct that Mr Sich 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 had been attained; should this qualification not be completed by April 2014, Mr Sich will be brought back before the committee and all sanctions against his licence will be considered

(Councillor Mrs Nicholson was not present for the following items on the agenda).

133. **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 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

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

The committee heard from the Licensing Officer that MAS had made a request to adjourn this matter to enable his legal representative to attend.

The committee agreed to adjourn this matter to the next appropriate committee meeting for consideration.

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.

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

The committee –

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

The committee agreed to grant ACH's application for a private hire driver's licence subject to him completing all the pre requisites for the grant of a licence and also subject to him satisfactorily completing the VRQ driver qualification in 'Transporting Passengers by Taxi or Private Hire' or equivalent within the first 12 months of being granted the licence.

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

The committee –

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

The committee agreed to grant KCJ's application for a private hire driver's licence subject to him completing all the pre requisites for the grant of a licence and also subject to him satisfactorily completing the VRQ driver qualification in 'Transporting Passengers by Taxi or Private Hire' or equivalent within the first 12 months of being granted the licence.

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

Due to BLS's non-attendance at committee, the committee agreed that his application for the grant of a hackney carriage driver's licence is held on file until such time as he contacts the licensing department and that he is requested to complete a Disclosure Barring Service check and also a medical examination prior to coming before committee.