

Taxi Licensing Committee

Thursday 30 May 2013

PRESENT:

Councillor Haydon, in the Chair.

Councillor Bowie, Vice Chair.

Councillors Mrs Bowyer, Mrs Foster, Mrs Nicholson, Rennie and Singh.

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

The meeting started at 10.00 am and finished at 4.40 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 that the minutes of the meeting held on 18 April 2013 are confirmed as a correct record.

4. CHAIR'S URGENT BUSINESS

The Chair sought to provide an update on the Hackney Carriage Rank Review for Cornwall Street.

5. APPEAL CASES

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

6. **LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - J P STEVENS**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from Mr Stevens and his legal representative;
- (c) took into account that –
 - Mr Stevens reported these convictions correctly and within the prescribed time;
 - Mr Stevens pleaded guilty at the earliest possible opportunity to the offences;
 - Mr Stevens was very remorseful and had been open and honest with the licensing department and the committee and said these offences would not be repeated;
 - Mr Stevens had already received a considerable fine from the magistrate's court in respect of these offences together with a driving disqualification for a period of six months;
 - Mr Stevens had said that he committed the offences and because he had been foolish and naïve and also because his licensed vehicles were faulty and he had commitments to customers that he needed to honour; in addition, he spent considerable sums on repairing the faulty vehicles and as a result he claimed that he had been under financial pressure;
 - if Mr Stevens lost his operator's licence, then other employees might suffer as a result;
 - all customers interviewed in the course of this investigation reported that the service they received was efficient and professional;
 - all vehicles and drivers were now correctly licenced;
 - Mr Stevens said he had been driving for 20 years with no convictions before this incident came light.

Members were concerned that –

- despite his experience as a private hire operator, Mr Stevens used a vehicle which he knew to be unlicensed and uninsured and allowed others to do the same on many occasions; he also used a further vehicle which he knew to be uninsured;

- Mr Stevens sent out a driver to pick up passengers for long journeys who had not been vetted by the Council to ensure that he was a fit and proper person;
- Mr Stevens comments had given rise to concerns that he was not conversant with the rules of the private hire trade but as an operator the committee considered he should be;
- Mr Stevens gave the majority of the jobs which he could not honour to other companies but did not offset all of them which would have been advisable;
- on at least two occasions, he personally drove the unlicensed and uninsured vehicle.

The Plymouth City Council Act 1975, enables the Council to suspend, revoke or refuse to renew the licence of a driver of a private hire vehicle and also the holder of an operator's licence for any other reasonable cause, under s19(1)9(b) and s20(1) PCCA 1975 respectively.

The first of the licensing objectives contained in the Hackney Carriage and Private Hire Driver's Licensing Policy required members to promote the safety and health of drivers and the public.

Customers paid considerable sums to be driven long distances and did so in the belief that the drivers taking them were properly qualified and vetted and that the cars they travelled in were properly licensed, insured and safe; in many cases that was unfortunately not true.

The committee consider that Mr Stevens allowed his financial concerns to take priority over the safety of his passengers and the general public and have agreed that in respect of his operator's licence it is a proportionate decision to find him no longer a fit and proper person and therefore revoke his private hire operator's licence.

After considering all the evidence, in respect of Mr Stevens private hire driver's licence, the committee agreed to issue him with a severe warning.

7. **LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - A M STEVENS**

The committee agreed that in light of the previous decision to revoke the private hire operator's licence it was fair to adjourn Mrs Stevens hearing to the next available meeting.

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

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

Agreed that the minutes of the meeting held on 18 April 2013 are confirmed as a correct record.

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

The committee –

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

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

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

Due to PAK'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.

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

The committee -

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

The committee agreed to follow its own policy guidelines and refuse TJB's application for a private hire driver's licence as it does not consider him to be a fit and proper person at this stage.

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

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

The committee –

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

The committee agreed to follow its own policy guidelines and refuse MJW's application for the grant of a private hire driver's licence as it does not consider him to be a fit and proper person at this stage.

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