



Tracey Lee
Chief Executive

Plymouth City Council
Civic Centre
Plymouth PL1 2AA

Please ask for Ross Johnston,
Democratic Support
T 01752 307990
E ross.johnston@plymouth.gov.uk
www.plymouth.gov.uk/democracy
17 July 2013

TAXI LICENSING COMMITTEE

Thursday 25 July 2013
10am
Council House, Plymouth (Next to the Civic Centre)

Members:

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

Members are invited to attend the above meeting to consider the items of business overleaf.

Tracey Lee
Chief Executive

TAXI LICENSING COMMITTEE

AGENDA

PART I – PUBLIC MEETING

1. APOLOGIES

To receive apologies for non-attendance submitted by Committee Members.

2. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this agenda.

3. MINUTES

(Pages 1 - 6)

To confirm the minutes of the meeting held on 4 July 2013.

4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. APPEAL CASES

The Committee will be provided with the results of the judgement on appeal cases that went to Court.

6. EXEMPT INFORMATION

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) 3 and 7 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE MEETING)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

7. APPLICATION FOR THE GRANT OF A PRIVATE HIRE OPERATOR'S LICENCE - AS (E3 AND E7) (Pages 7 - 12)

The Director for Place will submit a report on an application for the grant of a private hire operator's licence.

8. RESTRICTED PRIVATE HIRE DRIVER - REVIEW OF DRIVER/OPERATOR LICENCE STATUS - JO (E3 AND E7) (Pages 13 - 20)

The Director for Place will submit a report on a restricted private hire driver review of driver/operator licence status.

LUNCH 1PM - 2PM

9. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - JMN (E3 AND E7) (Pages 21 - 24)

The Director for Place will submit a report on an application for the grant of a private hire driver's licence.

10. LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - SWA (E3 AND E7) (Pages 25 - 32)

The Director for Place will submit a report on a licensed hackney carriage driver review of licence status.

11. LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - CMF (E3 AND E7) (Pages 33 - 38)

The Director for Place will submit a report on a licensed private hire driver review of licence status.

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Taxi Licensing Committee

Thursday 4 July 2013

PRESENT:

Councillor Haydon, in the Chair.

Councillor Bowie, Vice Chair.

Councillors Mrs Bowyer, Casey (substituting for Cllr Singh), Drean (substituting for Cllr Mrs Foster), Mrs Nicholson and Rennie.

Apologies for absence: Councillors Singh and Mrs Foster.

Also in attendance: Mark Small (Licensing Officer) (AM only), Andrea Gilbert (Legal Officer), George Curness (Licensing Officer) (PM only) and Ross Johnston (Democratic Support Officer).

The meeting started at 10.00 am and finished at 3.00 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.

14. **DECLARATIONS OF INTEREST**

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

15. **MINUTES**

Agreed that the minutes of the meeting held on 30 May 2013 are confirmed as a correct record.

16. **CHAIR'S URGENT BUSINESS**

There were no items of chair's urgent business.

17. **APPEAL CASES**

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

18. **RESTRICTED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - A M STEVENS**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from Mrs Stevens;

- (c) heard details of Mrs Stevens' recent conviction for driving without insurance;
- (d) had sight of letters of support from satisfied customers;
- (e) took into account that –
 - Mrs Stevens pleaded guilty at the earliest opportunity;
 - Mrs Stevens had no previous convictions;
 - Mrs Stevens reported this conviction correctly and within the prescribed time;
 - Mrs Stevens was very remorseful and answered members' questions honestly and openly. She stated that she would not make the same mistake again and had taken active steps to make sure that this was the case;
 - Mrs Stevens had already received a fine from the Magistrates Court in respect of this offence together with eight penalty points to be placed on her licence;
 - Mrs Stevens stated that she committed the offence because the licensed and insured vehicles used by the business that she ran with her husband were faulty and that she felt obliged to honour customer bookings.

However, members were concerned that –

- Mrs Stevens completed at least 21 journeys in an uninsured vehicle between 9 February 2012 and 13 September 2012;
- the certificate of motor insurance clearly stated that the policy did not cover use for hire and reward;
- the company was charging over £200 for a return journey but still Mrs Stevens did not find the time or money to get the offending vehicle insured.

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

In addition 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 for any other reasonable cause.

It is apparent from Mrs Stevens' actions and her comments today that she knowingly drove an uninsured vehicle in order to protect customer bookings and because of her financial

concerns. However, by doing so, she drove many unwitting people considerable distances in an uninsured vehicle.

Members consider that as Mrs Stevens is an experienced restricted Private Hire driver she should have regard to the rules of the road at all times. Plymouth City Council is charged with protecting the safety of the public and Mrs Stevens driving offence gives rise to concerns. They have decided that it is a proportionate decision to suspend Mrs Stevens licence for three days.

19. **RESTRICTED PRIVATE HIRE DRIVER - REVIEW OF DRIVER/OPERATOR LICENCE STATUS - J OWEN**

The committee –

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

The committee agreed after careful consideration, that in order to reach a fully informed and just decision, further documentation from Vosper's is required to clarify and support the arguments heard today.

Members have therefore elected to adjourn this hearing until the next available Committee meeting.

20. **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.

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

Agreed that the minutes of the meeting held on 30 May 2013 are confirmed as a correct record.

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

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from LMT;
- (c) heard details of LMT's driving offences;
- (d) took into account that –

- LMT was first granted a Private Hire Driver's Licence in December 2008;
- LMT stated he had committed the last offence because he was anxious to obtain some medicine for his sick son and did not realise that he was speeding;
- LMT stated he was experiencing considerable financial hardship as a result of his disqualification;
- LMT answered members' questions openly and honestly;
- LMT reported his last offence to the licensing department in the correct manner and within time, indicating that he had learnt from his previous misdemeanours.

However, members were concerned that –

- LMT appeared before the committee in March 2011 and said that he had modified his behaviour to make sure that no further offences would be committed;
- LMT was convicted on 9 November 2012 for speeding and was fined and had his license endorsed.
- LMT had now been disqualified from driving for three months.

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

In addition 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 for any other reasonable cause.

Plymouth City Council's priority is protecting the safety of the public. LMT's convictions and fixed penalty points for repeated speeding and failure to comply with traffic signals indicates a disregard for the rules of the road and the safety and comfort of his passengers and the general public, giving rise to serious concerns.

Members have therefore decided today to give LMT a final severe warning in respect of his driving.

The Taxi Licensing Committee has the discretion to direct a driver appearing before them to complete further training or retraining, should the driver's suitability to retain a licence be called into question, Members direct that LMT be required to re-sit the drivers standards test within seven working days of the return of his licence and attend at the Licensing Department when this has been attained. Should this test not be completed by that time LMT will be brought back before the Committee and all sanctions against his licence will be considered.

23. **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.

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

The committee –

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

The committee agreed to grant SPF's application for a private hire driver's licence subject to SPF 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.

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

The committee –

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

The committee agreed to grant HAW's application for a private hire driver's licence subject to HAW 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.

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