



Democratic and Member Support

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TAXI LICENSING COMMITTEE

Thursday 1 December 2016
10.00 am
Council House, Plymouth

Members:

Councillor Kelly, Chair
Councillor K Foster, Vice Chair
Councillors Bowie, Carson, Mavin, Rennie and Singh.

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

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Tracey Lee
Chief Executive

Taxi Licensing Committee

Agenda

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 - 2)

To confirm the minutes of the meeting held on 3 November 2016.

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. **Request to depart from the Council's existing Hackney Carriage and Private Hire Licensing Policy in relation to tinted windows - AV**

(Pages 3 - 8)

The Director of Public Health will submit an application for a request to depart from the Council's existing Hackney Carriage and Private Hire Licensing Policy in relation to tinted windows.

7. **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) 1, 2 and 3 of Part 1 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.

8. Confidential minutes (Pages 9 - 12)

To confirm the confidential minutes of the meeting held on 3 November 2016.

9. Review of a Private Hire Vehicle Driver's Licence - TAS (Pages 13 - 20)

The Director of Public Health will submit a report on a Private Hire vehicle driver's review of licence status.

10. Application for the grant of a Private Hire Vehicle Driver's Licence - MPB (Pages 21 - 26)

The Director of Public Health will submit a report on an application for the grant of a Private Hire vehicle driver's licence.

Lunch - 1 pm - 2 pm

11. Review of a Hackney Carriage Driver's Licence - AJW (Pages 27 - 32)

The Director of Public Health will submit a report on a Hackney Carriage driver's review of licence status.

12. Application for the grant of a Private Hire Vehicle Driver's Licence - DF (Pages 33 - 40)

The Director of Public Health will submit a report on an application for the grant of a Private Hire vehicle driver's licence.

13. Application for the grant of a Private Hire Driver's Licence - DH (Pages 41 - 48)

The Director of Public Health will submit a report on an application for the grant of a Private hire driver's licence.

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Taxi Licensing Committee

Thursday 3 November 2016

PRESENT:

Councillor Ken Foster, Vice Chair in the Chair.

Councillor Carson, Vice Chair.

Councillors Bowie, Mrs Foster (substitute for Councillor Kelly), Mavin and Rennie.

Apologies for absence: Councillors Kelly and Singh.

Also in attendance: Steve Forshaw (Senior Enforcement Officer), Catherine Fox (Lawyer), Debbie Lazenby (Enforcement Officer) and Lynn Young (Democratic Support Officer).

The meeting started at 10.00 am and finished at 11.49 am.

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.

57. **Appointment of Vice Chair**

The Committee agreed to appoint Councillor Carson as Vice Chair for this particular meeting.

58. **Declarations of Interest**

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

59. **Minutes**

Agreed the minutes of the meeting held on 6 October 2016.

60. **Chair's Urgent Business**

There were no items of Chair's urgent business.

61. **Appeal Cases**

The Committee was advised that there had been no appeal cases since the last meeting.

62. **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 1, 2 and 3 of Part I Schedule 12a of the Act, as amended by the Freedom of Information Act 2000.

63. **Review of a Private Hire Vehicle Driver's Licence - DDG**

The Committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from DDG;
- (c) took the above report and all that was said into consideration.

The Committee agreed, having taken the above into consideration to suspend DDG's Private Hire Vehicle Driver's Licence for a period of 28 days under Section 19(1)(b) of the Plymouth City Council Act 1975.

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

64. **Review of a Private Hire Vehicle Driver's Licence - TAS**

The Committee considered the application for an adjournment, submitted by e mail from TAS's solicitors, and considered that in order to comply with the rules of natural justice and her right to a fair hearing she should be granted the adjournment to enable her to be legally represented. The Committee expect TAS and her legal representatives to be ready to proceed on the next date set for this hearing.

Plymouth City Council

Subject:	Request to depart from the Council's existing Hackney Carriage and Private Hire Licensing Policy in relation to tinted windows.
Committee	Taxi Licensing Committee
Date:	1 December 2016
Cabinet Member:	Councillor John Riley
CMT Member:	Ruth Hurrell (Director of Public Health)
Author:	Steve Forshaw (Senior Enforcement Officer - Taxi)
Contact:	Tel: 01752 304744
e-mail:	Steve.forshaw@plymouth.gcsx.gov.uk
Ref:	ERS/LIC/SF/ Comm
Key Decision:	No
Part:	1

Purpose of the report:

For Members of the Committee to consider the request of Mr Aleksandr Voronin to depart from the Council's existing Hackney Carriage and Private Hire Licensing Policy in respect to a request for an executive vehicle to be allowed rear vehicle window tints in addition to the already factory tinted glass. This is having due regard for the information contained within the report, any representations made by the applicant and the Taxi Licensing Policy of the Council.

The Corporate Plan 2013/14 – 2016 - 19

This report links to the delivery of the City and Council priorities.

In particular:

Growing Plymouth: By economic prosperity through an efficient public transport network.

Caring Plymouth: Providing consumer confidence.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Not applicable.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management:

Members should be aware that Section 17 of the Crime Disorder Act 1998 put a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

Equality and Diversity

Has an Equality Impact Assessment been undertaken? No

Recommendations and Reasons for recommended action:

It is recommended that the Members consider the content of this report.

Alternative options considered and rejected:

None.

Published work / information:

None.

Background papers:

None.

Sign off:

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Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report? No													

Report

1. Mr Aleksandr Voronin first became a licensed private hire operator with Plymouth City Council on 2 June 2010 under the name of Five Pound Taxis and Plymouth Airport Transfers, this licence expired on 1 June 2013. On 28 October 2014 a new private hire operator's licence was issued under the name of Plymouth Airport Transfers and this current operator's licence is due to expire on 27 October 2017.

Mr Voronin first held a private hire drivers licence with Plymouth City Council from 6 December 2010 which expired on 14 February 2014. On 16 October 2014 Mr Voronin was issued with a new restricted private hire driver's licence which is due to expire on 15 October 2018.

2. On the 18 October 2016, whilst reviewing his business options, Mr Voronin made enquiries into licensing executive vehicles used for chauffeuring work for local businesses. Specifically Mr Voronin was enquiring into having an executive hire vehicle with additional film added to darken the already factory fitted glass. This additional tint would be added to the rear sides and back window. In further communication licensing officers advised Mr Voronin that we do allow vehicles to have manufactured glass but not additional tinted film. Mr Voronin was advised that if he feels he has a case in regards to an executive hire licenced vehicle he should put his reasons in writing for potential consideration at the Taxi Licencing Committee.

Licensing officers were informed during a meeting with Mr Voronin that the executive vehicle he wishes to licence with additional tints is a Mercedes S Class. This vehicle will be available for members to view during the hearing for Mr Voronin.

3. On 20 October 2016 Mr Voronin supplied the following information giving the reasons he feels his request is necessary to add additional film to an executive vehicle. This information is provided verbatim:

"Executive cars drive on a road for much longer period of time at once than local Private Hire, hence the impact of direct sunlight inside the "AQUARIUM" heats up the temperature inside the car and climate control starts blowing much colder air to compensate, where the front passenger start feeling "cold" discomfort and by the end of the journey He/She will have a "leaking" nose.

When back end of the car is tinted, it helps to

- Reduce sunshine fatigue
- Protect facial and arm skin from excessive sun light through trip duration
- Maintain car climate control at balanced circulation
- Executive anti-paparazzi protection
- Prevention of Personal Injury in case windows brake
- Protects leather interior
- Private belongings not on display

Private hire taxi cars, I understand, is a good point not allow tinting.

They do many short trips and loads of different people going through the cab during the day, which is not the case with airport transfer companies.

For example, by having restricted license, which means the driver cannot do taxi work in Plymouth as private hire, don't you think it would be logical to give extra comfort for people on long distances?

I've spoken to TFL (Transport for London), apparently Executive cars are allowed to have tinted windows at the back side of the car (excluding front side windows of course) .

I've spoken to Cornwall Licensing Section as well, they do allow tinted windows and each car is reviewed on individual basis”.

Some points about tinted windows

- Privacy (passing bus in traffic or any vehicle with high view)
- Safety
- UV ray blockage on long journeys
- Fade reduction
- Shattered Glass Protection
- Reduced sun fatigue

As I said at our last meeting, I'm happy to come to Committee and show the difference in cars. After doing research and speaking to various people from Executive business sector I found that most Executive People prefer Privacy. While traveling in the car and they wouldn't want to be picture taken while asleep with "mouth open" at the set of traffic lights in town.

I strongly believe I can deliver 1st class car service in Plymouth as long as executive requirements can be met by PCC. As I mentioned about Transport for London, they do allow rear windows tinted on executive cars, hence I strongly believe this supports my position from national point of view.

4. Mr Voronin attached a photograph to his report entitled “if would you book a real executive car with tinted windows she wouldn't be sitting like this in the car. This photograph is contained as Appendix A of this report.

Awaiting positive outcome with anticipation

Thank you for your time reading this

5. The Council does accept the value of licensed ‘Executive Hire’ vehicles and therefore takes a pragmatic approach and follows the same guidance in regards to the vehicles specifications as that of licenced private hire vehicles. Members are made aware that the only differences between an Executive Hire vehicle is that these vehicle can only be used for the sole purpose of “Executive Hire” type tasking’s. Executive vehicles are also exempt from displaying door stickers and rear licensing plates. Executive vehicle would still need to display the internal identification.

The Council does not provide a definitive list of vehicles it considers to be suitable for licensing as executive hire, although it is expected that the vehicle is a 'high value' executive model, in pristine condition, that provides an elevated level of comfort that would not reasonably be expected of a standard private hire vehicle.

6. The Council has powers contained in the Plymouth City Council Act 1975, to attach conditions to a hackney carriage vehicle licence as is considered necessary and also set requirements as to the make, design or appearance of the vehicle. Appendix E of the policy sets out the conditions of licence and specifies at paragraph one that the vehicle shall comply with the specifications contained in the Council's 'Specifications for Hackney Carriage Vehicles' (Appendix Q) and the "Testing Addendum". The specifications currently suggest "No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle".
7. The overriding principle adopted by the Council is that each application will be considered on its own merits and any request to depart from its existing policy requires permission from Members. Members are requested to note that this request is one of principle only and as no vehicle has been presented and no formal application for licence is being made at this time.

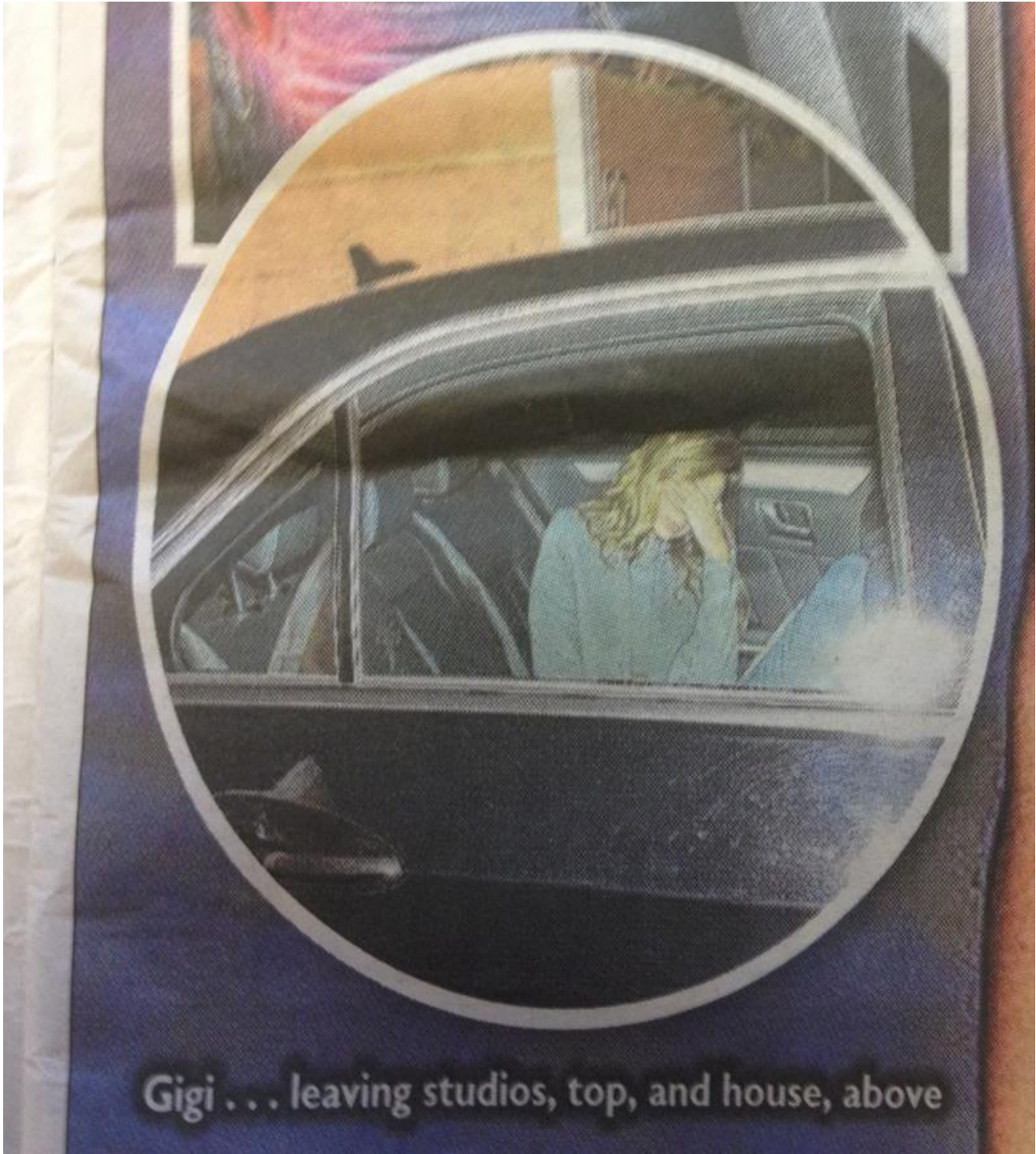
General Policy

The Council's Hackney Carriage and Private Hire Licensing Policy states that the Council will carry out its Hackney Carriage and Private Hire licensing function with a view to promoting stated objectives. Members must therefore ensure that they consider those objectives when forming a decision.

The licensing objectives are as follows:

1. Vehicle safety, comfort and access
 2. To prevent crime and disorder and to prevent and to protect consumers – e.g.
 - commitment to work with the police and licensing authorities
 3. To encourage environmental sustainability.
8. Mr Voronin has been invited to attend this Licensing Committee in order that his request may be considered.

Appendix A



Gigi . . . leaving studios, top, and house, above

The following relates to exempt or confidential matters (Para(s) 1, 2, 3 of Part 1, Schedule 12A of the Local Govt Act 1972). A breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

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