



Democratic and Member Support

Chief Executive's Department
Plymouth City Council
Ballard House
Plymouth PL1 3BJ

Please ask for Helen Rickman
T 01752 398444
E helen.rickman@plymouth.gov.uk
www.plymouth.gov.uk/democracy
Published 19/09/17

TAXI LICENSING COMMITTEE

Thursday 28 September 2017
10.00 am
Council House, Plymouth

Members:

Councillor Kelly, Chair

Councillor K Foster, Vice Chair

Councillors Bowie, Carson, Mavin, Rennie and one vacancy (Conservative).

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

For further information on webcasting, attending Council meetings and how to engage in the democratic process please follow this link <http://www.plymouth.gov.uk/accesstomeetings>

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 - 4)

To confirm the minutes of the meeting held on 17 August 2017.

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. Increase of Hackney Carriage Table of Fares (Pages 5 - 12)

The Director of Public Health will submit a report on the Proposal for a Hackney Carriage Table of Fares increase.

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 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 13 - 20)

To confirm the confidential minutes of the meeting held on 17 August 2017.

9. Application for the Grant of a Private Hire Vehicle Driver Licence - JGM (Pages 21 - 28)

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

10. Application for the Grant of a Private Hire Vehicle Driver Licence - PG (Pages 29 - 34)

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

11. Application for the Grant of a Private Hire Driver Licence - JJ (Pages 35 - 40)

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

Lunch - 1-2pm

12. Review Status of Hackney Carriage Driver Licence - AM (Pages 41 - 58)

The Director of Public Health will submit a report on the review status of a Hackney Carriage Driver Licence.

13. Review Status of Private Hire Vehicle Driver Licence - RK (Pages 59 - 68)

The Director of Public Health will submit a report on the review status of a Hackney Carriage Driver Licence.

14. Review Status of Hackney Carriage Driver Licence - CP (Pages 69 - 78)

The Director of Public Health will submit a report on the review status of a Hackney Carriage Driver Licence.

This page is intentionally left blank

Taxi Licensing Committee

Thursday 17 August 2017

PRESENT:

Councillor Kelly, in the Chair.

Councillor K Foster, Vice Chair.

Councillors Mrs Aspinall (Substitute for Councillor Bowie), Carson, Mavin, Rennie and Singh.

Apology for absence: Councillor Bowie.

Also in attendance: Sharon Day (Lawyer), Steve Forshaw (Senior Enforcement Officer) and Helen Wright (Democratic Adviser).

The meeting started at 10am and finished at 3.35pm.

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.

22. Election of Vice Chair

The Committee agreed to appoint Councillor Carson as Vice Chair for the first item of business only prior to the arrival of Councillor K Foster.

23. Declarations of Interest

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

24. Minutes

The committee agreed that the minutes of the meeting held on 13 July 2017 are confirmed as a correct record.

25. Chair's Urgent Business

There were no items of Chair's urgent business.

26. Appeal Cases

The Committee was advised that there were no new appeals.

27. **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 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

28. **Application for the grant of a Hackney Carriage Driver's Licence - AIM**

The Committee –

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

The Committee agreed to act outside of its policy and grant the application for a hackney carriage driver's licence subject to the condition that AIM complete the VRQ in transporting passengers by taxi and private (or equivalent) within the first 12 months of being licensed.

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

(Councillor K Foster was present for the remainder of the meeting)

29. **Application for the grant of a Private Hire Vehicle Driver's Licence - MC**

The Committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from MC and two non-legal representatives;
- (c) took account the above report and all that was said into consideration.

The Committee agreed that the application for a private hire driver's licence will be granted subject to the conditions that MC complete the VRQ in transporting passengers by taxi and private hire (or equivalent) within the first 12 months of being licensed unless he can provide proof that he had already completed this or equivalent qualification and also complete the child sexual exploitation awareness course within the same period although he is requested to attend the first available course. Prior to being licensed MC is required to complete the usual pre-requisites with the exception of the Knowledge of Plymouth Test.

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

30. **Application for the grant of a Private Hire Driver's Licence - JL**

The Committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from JL in support of his application;
- (c) took the report and all that was said by JL into account.

The Committee agreed that JL's application for a private hire driver's licence would be granted subject to him providing a medical certificate confirmed he was fit to group II medical standards and also subject to the conditions that he complete the VRQ in transporting passengers by taxi and private hire (or equivalent) within the first 12 months of being licensed and also attend the child sexual exploitation awareness course within the same period although it is requested that he attend the next available course.

31. **Application for the grant of a Private Hire Vehicle Driver's Licence - DM**

The Committee –

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

The Committee agreed that DM was not considered to be a fit and proper person and therefore his application for a private hire driver's licence would be refused in accordance with Section 9(1)(a) of the Plymouth City Council Act 1975.

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

32. **Review of a Hackney Carriage Driver's Licence - KA**

The Committee –

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

The Committee agreed that KA's licence would be suspended for 14 days in accordance with Section 19(1) (b) of the Plymouth City Council Act 1975.

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

33. **Review of a Hackney Carriage Driver's Licence - CP**

The Committee agreed to adjourn the review of CP's hackney carriage driver's licence until the next scheduled meeting.

Plymouth City Council

Subject:	Increase of Hackney Carriage Table of Fares
Committee	Taxi Licensing Committee
Date:	28 September 2017
Cabinet Member:	Cllr John Riley
CMT Member:	Ruth Harrell (Office of the Director of Public Health)
Author:	Graham Hooper
Contact:	Tel: 01752 304533
e-mail:	graham.hooper@plymouth.gov.uk
Ref:	GH/Tariff/Obj/17
Key Decision:	No
Part:	I

Purpose of the report:

Under Section 23 of the Plymouth City Council Act 1975 (PCCA 1975), Plymouth City Council (the Council) has the power, although not obliged, to set the maximum Table of Fares (Fares Tariff) for Taxis.

On 13 July 2017 the Taxi Licensing Committee recommended the proposed variation of the table of fares for the hiring of Taxis within the City. In accordance with the PCCA 1975, the variations were advertised in the Plymouth Herald on Tuesday 25 July 2017 which included providing an opportunity and details for objections to be made. All Taxi drivers and vehicle proprietors were written to and provided with a copy of the Table of Fares notice and were given until 16 August 2017 to make objections. Any objections received must be duly considered, prior to the Table of Fares coming into effect.

Three objections were received which are listed in Appendix 2.

The Corporate Plan 2017-19:

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**

Changes to the Tariff as agreed or amended will incur a cost to the Council in terms of printing new Table of Fares/Tariff cards, which would be met from the existing Taxi budget. Additional costs of printing and signage at the Taxi ranks will also be met from the Taxi trade account

Vehicle proprietors would also need to have their meters re-tariffed, which would carry a cost payable directly by them to a calibration company.

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

Section 17 of the Crime and Disorder Act 1998 puts 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.

Any increase in the Taxi Tariff, may have an impact on the lowest income group using Taxi services, but this should be considered against the need for a Taxi proprietor or driver to be able to earn a living wage and allow for investment in replacement vehicles from the provision of those services. One of the objections has commented that the proposed table of fares may impact on those workers who travel to or return from work by taxi between 06:00 hrs and 07:00 hrs.

Equality and Diversity

Has an Equality Impact Assessment been undertaken? Yes

Recommendations and Reasons for recommended action:

That the Licensing Committee consider the objections received by the Licensing Authority in relation to their statutory consultation on the proposed Taxi fares, and

- 1) Taking into account representations received, either approve the table of fares as advertised or specify amendments to be made to the table of fares
 - 2) Approve a date by which the new Table of Fares shall come into force, which must be no later than the 16th October 2017.
-

Published work / information:

None.

Background papers:

Please refer to the original committee report which can be found at:

<http://web.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fdemocracy.plymouth.gov.uk%2FieListDocuments.aspx%3FCId%3D566%26amp%3BMId%3D7466%26amp%3BVer%3D4>

Sign off:

Fin	djn1718. 104	Leg	28978/ag/ 15.9.17	Mo n Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report?													

Report

1.0 Background Information

The proposed Table of Fares (see Appendix 1) was agreed at the Taxi Licensing Committee on 13 July 2017 and was published in the Herald on Tuesday 25 July 2017. All Taxi drivers and vehicle proprietors were written to and provided with a copy of the proposed table of fares and were given until 16 August 2017 to make objections.

Three objections were received during the consultation period.

2.0 Legal Framework

- 2.1 Under section 23 (1) of the PCCA 1975, the Council is responsible for setting the maximum fares and other costs that drivers may charge a customer for using Taxis in the City.

Members should note that drivers may charge a lower fare or offer a discount if they wish and negotiate fares for travel outside of the City boundaries.

The Council does not have powers to set fares for journeys in private hire vehicles.

The Table of Fares must be advertised in accordance with the provisions of the Act and if any objections are received these must be considered by the Committee for a final decision to be taken as to whether the advertised fare table will be modified in light of objections, or whether they will be implemented as advertised. The Table of Fares approved by the Committee would come into effect not later than two months from the closing date of the advertised consultation.

4.0 Objections

- 4.1 Three objections, 2 by email and one by letter, were received regarding the proposed table of fares. Graham Hooper, Senior Officer sent a reply to each person and these can be found in Appendix 2.

- 4.2 Two of the objections are regarding the necessity of the changes to the Table of Fares and consultation of the wider Trade and the third is regarding the change of start time for Tariff One from 06:00 hrs to 07:00 hrs.

4.3 Necessity of Change and Consultation

With regards to the necessity of the change, the Table of Fares has not altered or been reviewed since September 2011 and since then has remained at the present level. Like many other business sectors, the Taxi trade is facing financial pressures in the current economic climate.

The Plymouth Licensed Taxi Association and a representative from Plymouth Taxis Limited proposed the changes at a quarterly liaison meeting with this Licensing Department. Whilst the PLTA's membership does not include all of Plymouth's licensed Taxi drivers, the PLTA are currently the only organisation representing the Trade.

The agreed Table of Fares was advertised in the Plymouth Herald on 25 July 2017 and all licensed drivers and vehicle proprietors were written to with the proposals to allow for full consultation across the wider Trade.

4.4 Tariff 1 Start Time

The proposal to move the timings of Tariff 1 forward from 06:00 hrs to 07:00 hrs and therefore an extension of the night rate would reflect the extended hours that now exist with the evening and night time economy and move the times in line with other Devon Local Authorities.

No substantiated data has been found to support the objection that certain workers will be impacted by the proposed changes, however, by bringing the start of Tariff 1 to 07:00 hrs and therefore extending the night rate this will impact on some low income earners such as Care Workers and Cleaners as they would be paying an additional £1 for the flag fall between 06:00 hrs and 07:00 hrs.

7.0 Conclusion

The Committee members need to consider the objections in Appendix 2 and decide whether the Table of Fares will remain as published or whether amendments are required.

Should the Committee members decide to keep the existing Tariff start time of 06:00 hrs the Tariffs 2 to 5 will be amended to reflect this.

APPENDIX I: PROPOSED TABLE OF FARES

HACKNEY CARRIAGE TABLE OF FARES



Made by virtue of Section 23 of the Plymouth City Council Act 1975

The driver must not refuse, without reasonable excuse, to take a hirer or would be hirer to any place within the licensing district, Section 53, Town and Police Clauses Act 1975

Applies to **ALL** journeys within the City boundary, and to journeys outside the City boundary unless agreed otherwise between driver and hirer, **PRIOR** to the hiring being commenced. Fares detailed below are the **MAXIMUM** fares that may be charged. Hiring's may be undertaken without the use of the meter where there is a prior contract with a public authority or for a period in excess of one hour. No other charges may be made.

Tariff 1 Applies on Monday to Saturday from 7 am to 7 pm

Tariff 2 Applies on Monday to Saturday from 7pm to Midnight, and Sundays/Bank Holidays from 7am to 7pm

Tariff 3 Applies on Monday to Sunday from midnight to 7am and Sundays/Bank Holidays from 7pm to midnight

Tariff 4 Applies from 7pm on Christmas Eve to 7am on Christmas Day, and from 7am on Boxing Day until 7am on 27 December, and from 7pm to midnight on 31 December and from 7am on New Year's day to 7 am on 2 January

Tariff 5 Applies from 7am on Christmas Day until 7am on Boxing day, and on New Year's day from midnight until 7am

Distance	Tariff 1	Tariff 2	Tariff 3	Tariff 4	Tariff 5
For any distance up to one tenth of a mile	£3.00	£3.50	£4.00	£4.50	£6.00
For the next one tenth of a mile	£0.30	£0.30	£0.30	£0.45	£0.60
For each subsequent one fifth of a mile	£0.30	£0.30	£0.30	£0.45	£0.60

Waiting Time	Tariff 1	Tariff 2	Tariff 3	Tariff 4	Tariff 5
For each completed period of 60 seconds		30p	30p	45p	60p
For each completed period of 90 seconds	30p				

Each additional passenger after the second (accompanied children under the age of 3 are not charged, two children between 3 & 12 to be charged as one).	20p
Entrance to MOD establishments, booking fee, or from Plymouth Railway Station (subject to permit).	40p
For each uncaged animal except guide, hearing or other assistance dogs.	30p
Fuel - to be added to each hiring if and when fuel oil is £1.40 at Exeter Street service Station with a further 10p for each subsequent increase of 10p per litre.	10p
For any soiling of vehicle, inside or out	£50
Toll charges at current rate for return journey	

APPENDIX 2: LETTERS OF OBJECTIONS

Objection Number	Comments	Response from Senior Officer
<p>I</p> <p>By email</p>	<p>Dear whom it may concern,</p> <p>I think the whole idea of fare increase is ridiculous. You seem to be letting the minority speak for the majority. We need to find a way to entice more passengers to use us, rather than drive away the passengers who do use us.</p> <p>The morons that run Plymouth Taxi Association do not speak for the whole trade.</p>	<p>Thank you for your email regarding your objection to the proposed changes to the Taxi Tariff, I have noted your comments.</p> <p>The Taxi Tariff (Table of Fares) has not altered or been reviewed since September 2011 and the PLTA and a representative from Plymouth Taxis Limited proposed the changes at a quarterly liaison meeting with this Licensing Department.</p> <p>Whilst the PLTA's membership does not include all of Plymouth's licensed taxi drivers, the PLTA are currently only organization representing the Trade. Under the Plymouth City Council Act any variation is required to be advertised and all licensed drivers were written to with the proposals to allow for full consultation across the wider Trade.</p> <p>The full report containing all of the information that was discussed at the Licensing Committee on 13 July 2017 can be viewed here (item 18)</p> <p>If there had been no objections then the fees would have taken effect 4 weeks after the end of the consultation date (12 September 2017). As we have received objections then unless the objections are withdrawn, a separate Committee hearing will be arranged so that the objections can be discussed. You will be invited to attend the committee hearing so that you can discuss your objections with the committee members.</p> <p>If after reading the full report you decide that you would like to withdraw your objection, please contact me by Tuesday 29 August 2017. Otherwise, I will arrange for a committee hearing date and will contact you again with further details.</p> <p>If you would like to discuss this further, please do not hesitate to contact me.</p>

2 By email	I wish to object to fare increase on hackney carriages as it is not needed at present and I do believe that all taxi trade should have as say not just a few on this matter as there has been no consultation with the majority of drivers.	As above
3 By letter	I wish to object to the proposed changes to the taxi table of fares. My objection relates to the time change from 6am to 7am. I work for an office and this will drive custom away, why should my customers i.e. care workers and cleaners have to pay night time rates to get to work? This change from 6am to 7am is the work of [REDACTED] who is new to the trade, why don't the Council ask drivers of 10, 12, 15 years before asking a newbie. His argument is we night drivers are going home at 6am leaving vulnerable people on the street. There is no unmet demand the people at 6am 7am are well served by the day shift. If [REDACTED] is that concerned about the vulnerable people why doesn't he take them home on dayshift rate. If he wants to work past 6am he is still earning so what's the problem.	<p>Thank you for your letter regarding your objection to the proposed changes to the Table of fares (Taxi Tariff). The Table of Fares has not altered or been reviewed since September 2011 and the PLTA and a representative from Plymouth Taxis Limited proposed the changes at a quarterly liaison meeting with this Licensing Department.</p> <p>Whilst the PLTA's membership does not include all of Plymouth's licensed taxi drivers, the PLTA are currently the only organisation representing the Trade. Under the Plymouth City Council Act any variation is required to be advertised and all licensed drivers were written to with the proposals to allow for full consultation across the wider Trade.</p> <p>The proposal to move the timings of Tariff 1 forward from 06:00 hrs to 07:00 hrs and therefore an extension of the night rate would move the Tariff in line with other Devon Local Authorities and reflect the extended hours that now exist with the evening and night time economy.</p> <p>Your objection relates to this change of times as you believe this will unfairly impact on those that use Taxis to travel to work such as Care Workers and Cleaners at these times. Although I am not aware of any data to substantiate your objection this will be presented to and considered by Committee.</p> <p>The full report containing all of the information that was discussed at the Licensing Committee on 13 July 2017 and their decision can be viewed on the Council website (Item 18) at: http://web.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fdemocracy.plymouth.gov.uk%2FieListDocuments.aspx%3FCId%3D566%26amp%3BMId%3D7466%26amp%3BVer%3D4 (this link can be emailed on provision of an email address).</p> <p>If there had been no objections then the fees would have taken effect 4 weeks after</p>

		<p>the end of the consultation date (12 September 2017). As we have received objections then unless the objections are withdrawn, a separate Committee hearing will be arranged so that the objections can be discussed. You will be invited to attend the committee hearing so that you can discuss your objections with the committee members.</p> <p>If after reading the full report you decide that you would like to withdraw your objection, please contact me by Wednesday the 20th of September 2017. Otherwise, I will arrange for a committee hearing date and will contact you again with further details. If you would like to discuss this further, please do not hesitate to contact me.</p>
--	--	---

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank