

Taxi Licensing Committee

Thursday 2 August 2018

PRESENT:

Councillor Mavin, in the Chair.

Councillor Singh, Vice Chair.

Councillors Mrs Bridgeman, Corvid, Jordan, Mrs Pengelly and Rennie.

Also in attendance: Jamie Sheldon (Democratic Advisor), Andrea Gilbert (Lawyer) and Steve Forshaw (Senior Enforcement Officer)

The meeting started at 9.00 am and finished at 5.45 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.

40. **Declarations of Interest**

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

41. **Minutes**

Agreed the minutes of the meeting held on 5 July 2018.

42. **Chair's Urgent Business**

Under this item two issues were highlighted:

- One of the city's taxi drivers had recently attended the Safeguarding course and put his learning into practice when he helped a vulnerable adult; the taxi driver went through the appropriate channels to raise the alarm. It was agreed that a record of thanks from the Taxi Licensing Committee to the taxi driver would be included in the minutes;
- The paperwork for the review for LH, listed second on the agenda, was not complete therefore the Senior Enforcement Officer had prepared additional information to provide to Members.

43. **Appeal Cases**

There were no appeal cases for the Committee to be updated upon.

44. **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.

45. **Confidential Minutes**

Agreed the confidential minutes of the meeting held on 5 July 2018.

46. **Application for the Grant of a Private Hire Vehicle Driver Licence - ZO**

The Committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from ZO and his son;
- (c) took into account the above report and took all that was said into consideration and also considered the Council's Hackney Carriage and Private Hire Licensing Policy.

The Committee considered the application on its own merits and in this instance was not satisfied that ZO had exhausted all avenues to obtain the required Tazkera or a similar suitable document.

Members considered that they were unable to depart from their policy and are therefore unable to grant ZO's application.

The Committee indicated to ZO that if he was to take the necessary steps as outlined within the emails sent to him from the Afghanistan Embassy, or provide some further information to support his claims that he was unable to travel to Afghanistan to obtain the Tazkera and therefore the Certificate of Good Conduct, then they would consider any further application submitted.

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

47. **Review Status of Hackney Carriage Driver Licence - LH**

The Committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from LH and his legal representative;
- (c) had sight of two character references;
- (d) had sight of a supplementary statement to the agenda item prepared by the Licensing Officer in relation to LH's earlier history;
- (e) took into account the above report and took all that was said into

consideration and also considered the Council's Hackney Carriage and Private Hire Licensing Policy.

Members have taken into account that:

- (f) LH has held his hackney carriage driver's licence since September 2004;
- (g) there have been no recorded customer complaints in respect of LH's taxi driving during that period;
- (h) LH's considered himself to be a personable driver who is an ambassador for the City.

Members have considered the evidence before them and have considered all available sanctions but have resolved that it is proportionate to suspend LH's licence for 21 days. LH will also be required to complete both the Safeguarding and Ambassador training at the next available date and must also provide a Group Two Medical Standards Certificate to the Licensing Department proving that he remains medically fit to drive. This must be provided before the end of LH's period of suspension.

LH has the right to appeal this decision. That appeal would lie to Plymouth Magistrates' Court and must be made within 21 days.

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

48. **Review Status of Hackney Carriage Driver Licence - SB**

The Committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from SB;
- (c) have taken into account that SB:
 - has held a taxi licence since March 2016;
 - had no recorded convictions or cautions;
 - had completed the Safeguarding and VRQ courses;
- (d) took into account the above report and took all that was said into consideration and also considered the Council's Hackney Carriage and Private Hire Licensing Policy.

The licensing system is in place to ensure public safety and confidence in the use of licensed vehicles and drivers. The licensing objectives include the safety and health of drivers and the public, the protection of consumers and the protection of children and other vulnerable persons from harm.

After hearing the report and listening to SB's explanations for the complaints made against him and his driving by members of the public, none of which were convincing or plausible, Members feel that SB appeared to demonstrate a disregard for the byelaws and Plymouth City Councils Taxi Licensing Policy, both of which govern SB's Hackney Carriage Driver's Licence and are in place to protect the public and to regulate the trade.

Byelaw 9a provides that the driver of a hackney carriage shall – "Behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle."

Members have considered the evidence before them and have considered all available sanctions but have resolved that it is proportionate to find that SB is no longer a fit and proper person to hold a Hackney Carriage Driver's Licence.

SB has the right to appeal this decision. That appeal would lie to Plymouth Magistrates' Court and must be made within 21 days.

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

LUNCH 1-2PM

49. Review Status of Private Hire Vehicle Driver Licence - SF

The Committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from SF and his wife;
- (c) have taken into account that SF:
 - had held a Private Hire Driver's Licence since September 2013;
 - had not been the subject of any formal complaints made by the public to the Licensing Department.
 - had taken active steps to promote tourism in the city;
- (d) took into account the above report and took all that was said into consideration and also considered the Council's Hackney Carriage and Private Hire Licensing Policy.

The aim of the licensing system is to ensure public safety and confidence in the use of licensed vehicles and drivers. The licensing objectives include the safety and health of drivers and the public, the protection of consumers and the protection of children and other vulnerable persons from harm.

The Committee have considered all available sanctions and have resolved it is proportionate to suspend SF's licence for five days to run consecutively. SF is also required to complete the Ambassador course on the next available date.

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

50. **Review Status of Private Hire Vehicle Driver Licence - GT**

The Committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from GT and his wife, had sight of a statement explaining his version of the events that took place in March 2018 and watched the CCTV footage of the incident;
- (c) have taken into account that GT:
 - was granted a Private Hire Driver's Licence on 13 June 2013;
 - had no complaints held on the Licensing records in relation to his licence, nor were there any complaints recorded against him with his employer;
 - had passed the VRQ qualification and had attended the Safeguarding course;
- (d) took into account the above report and took all that was said into consideration and also considered the Council's Hackney Carriage and Private Hire Licensing Policy.

Licensed drivers maintain close contact with their passengers who are often alone in the vehicle and may be vulnerable. The Committee therefore considers violent offences to be relevant. In addition, Plymouth licensed drivers are expected to act as "ambassadors" in promoting the good image of the city.

Members do not condone any violent behaviour, particularly an incident aggravated by the use of a weapon. They have however considered your mitigation that the act was provoked when you experienced racial abuse to the extent that you lost control and that the act was compounded by alcohol consumption on your part. This, together with the Police decision to offer you a caution and after considering all available sanctions have led the Members to decide to take no further action in this matter.

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

