



Oversight and Governance

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Published 26/06/19

TAXI LICENSING COMMITTEE

Thursday 4 July 2019
10.00 am
Council House, Plymouth

Members:

Councillor Mavin, Chair
Councillor Corvid, Vice Chair
Councillors Mrs Bridgeman, Mrs Pengelly, Rennie, Riley 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

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 6 June 2019.

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 the 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 times in private. Members of the public will be asked to leave the meeting when such items are discussed.

7. Confidential Minutes (Pages 7 - 18)

To confirm the confidential minutes of the meeting held on 6 June 2019.

8. Application for the grant of a Private Hire Driver's Licence (Pages 19 - 26)

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

9. Application for the grant of a Restricted Private Hire Driver's Licence (Pages 27 - 38)

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

10. Application for the Grant of a Private Hire Vehicle Driver Licence (Pages 39 - 46)

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

Lunch

11. Review Status of Private Hire Driver Licence (Pages 47 - 60)

The Director of Public Health will submit a report for the Review Status of Private Hire Driver Licence.

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Taxi Licensing Committee

Thursday 6 June 2019

PRESENT:

Councillor Mavin, in the Chair.
Councillor Corvid, Vice Chair.
Councillors Mrs Bridgeman, Rennie and Singh.

Apologies for absence: Councillors Mrs Pengelly and Riley.

Also in attendance: Catherine Fox (Lawyer), Steve Forshaw (Senior Enforcement Officer), Cathy Griffin (Enforcement Officer), Helen Prendergast (Democratic Adviser) and Helen Rickman (Democratic Adviser).

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.

1. **To Note the appointment of Chair and Vice Chair**

The Committee noted the appointment of Councillor Mavin as Chair and Councillor Corvid as Vice Chair for the forthcoming municipal year 2019/20.

2. **Declarations of Interest**

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

3. **Minutes**

The Committee agreed that the minutes of the meeting held on 21 March 2019 are confirmed as a correct record.

4. **Chair's Urgent Business**

There were no items of Chair's urgent business under part I of the agenda.

5. **Appeal Cases**

The Committee was informed that there had been two appeal cases since the last Committee meeting.

A discussion took place as to whether the appeal cases should be discussed in part I of the meeting.

The Chair sought legal advice from the Council's Lawyer. It was advised that names of Applicants and drivers involved in Court proceedings with the Council were never revealed in Part I as they would remain forever on the Council's intranet and available for all to see beyond the times matters have become spent

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

7. **Chair's Urgent Business**

With the permission of the Chair, Councillors Rennie sought clarification on the timetable for the fee review.

The Chair requested that a response to Councillor Rennie's query was provided by the taxi licensing legal officers.

The Chair sought clarification on who had responsibility for the court costs when appeal cases went to court.

In accordance with Section 100(B)(4)(b) of the Local Government Act, 1972, the Chair brought forward the above item for urgent consideration because of the need to advise Members).

8. **Application for the Grant of a Private Hire Vehicle Driver Licence - PJG**

The Committee -

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

The Committee took all of the above into consideration and also considered the Council's Hackney Carriage and Private Hire Licensing Policy. The Committee had considered the application on its own merits and in particular its Guidance on the Relevance of Previous Convictions and Conduct.

The Committee made an 'on balance' decision and gave the benefit of the doubt to the applicant.

The Committee agreed to grant the applicant a Private Hire driver's licence.

Note: there is a confidential part to this minute

9. **Application for the Grant of a Private Hire Vehicle Driver Licence - APRP**

The Committee –

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

The Committee took all of the above into consideration and also considered the Council's Hackney Carriage and Private Hire Licensing Policy and in particular its Guidance on Relevance of Convictions and Conduct. The Committee had considered the application on its own merits.

The Committee agreed to grant the application for a Private Hire driver's licence subject to the satisfactory completion of the following –

- 1. Ambassador's course on the first available date within the next 12 months;
- 2. NVQ in Passenger Transportation within 12 months of grant of the licence.

The Committee warned the applicant that it had high expectations of its drivers and urged him to concentrate to avoid any further speeding offences.

Note: there is a confidential part to this minute

10. **Application for the Grant of a Private Hire Vehicle Driver Licence - CR**

The Committee -

- (a) considered the report from the Director of Public Health;
- (b) heard from the applicant;
- (c) heard from Mr Julian Bowley who spoke in support of the applicant;
- (d) took the report and all that was said by the applicant into account.

The Committee had -

- considered the application on its own merits;
- considered that there were significant concerns for the safety

of the travelling public;

- noted its overriding duty and that of Plymouth City Council's Licensing Department was to meet its objectives namely (a) to promote and safeguard the safety of the public; (b) the prevention of crime and protection of consumers; (c) the protection of children and other vulnerable persons from harm;
- also noted its duty to consider the history and actions of a driver and the police records and any information held by other agencies;
- it noted that its Policy stated that within its Guidance on Relevance of Convictions and Conduct states that 'driving or being in charge of a vehicle whilst under the influence of alcohol was an aggravating factor' and that two disqualifications on different occasions should raise serious doubts as to an applicant's suitability therefore any application was likely to be refused.

The Committee took all of the above and the report into consideration and having considered the Council's Hackney Carriage and Private Hire Licensing Policy was not prepared to act outside of its Policy.

The Committee agreed to refuse the application for a Private Hire driver's licence.

(Councillor Singh left the room and took no further part in this meeting)

Note: there is a confidential part to this minute

11. **Review Status of Hackney Carriage Vehicle Driver Licence - PHP**

The Committee -

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

The Committee took all of the above and the report into consideration and also considered the Council's Hackney Carriage and Private Hire Licensing Policy. The Committee had considered the review of his licence on its own merits.

The Committee agreed to the following –

1. a warning was to be placed on the driver's file;
2. the driver was to undertake the following further training -
 - satisfactorily complete the NVQ/VRQ in transportation of passengers within the next 12 months;
 - satisfactorily complete within the next 12 months, the next available Ambassador's course.

Note: there is a confidential part to this minute

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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.

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