



Oversight and Governance

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Taxi Licensing Committee

Thursday 19 March 2020
10.00 am
Council House, Plymouth

Members:

Councillor Mavin, Chair
Councillor Derrick, Vice Chair
Councillors Mrs Aspinall, Mrs Bridgeman, Mrs Pengelly, Rennie and Riley.

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 - 8)

To confirm the minutes of the meeting held on 20 February 2020.

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 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.

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. Member of the public will be asked to leave the meeting when such items are discussed.

7. Confidential Minutes

(Pages 9 - 22)

To confirm the confidential minutes of the meeting held on 20 February 2020 as an accurate record.

8. Application for the Grant of a Private Hire Vehicle Driver Licence (Pages 23 - 30)

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

9. Review Status of Hackney Carriage Vehicle Driver Licence (Pages 31 - 52)

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

10. Review Status of Private Hire Vehicle Driver Licence (Pages 53 - 62)

The Director of Public Health will submit a report on the review of status of Private Hire Vehicle Driver's Licence.

Lunch

11. Review Status of Private Hire Driver Licence (Pages 63 - 84)

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

12. Application for the Grant of a Private Hire Vehicle Driver Licence (Pages 85 - 108)

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

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Taxi Licensing Committee

Thursday 20 February 2020

PRESENT:

Councillor Mavin, in the Chair.

Councillor Derrick, Vice Chair.

Councillors Mrs Aspinall, Mrs Bridgeman, Mrs Pengelly, Rennie and Riley.

Also in attendance: Sharon Day (Lawyer), Steve Forshaw (Senior Enforcement Officer), Helen Foote (Finance Business Partner), Ann Gillbanks (Senior Lawyer), Rachael Hind (Licensing Service Manager) and Helen Prendergast (Democratic Adviser).

The meeting started at 10.00 am and finished at 6.10 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.

65. **Declarations of Interest**

Councillor Mrs Pengelly declared a personal interest in minute 74 and left the room when this application was being considered.

66. **Minutes**

The Committee agreed that the minutes of the meeting held on 8 January 2020 and 23 January 2020 are a correct record.

67. **Chair's Urgent Business**

There were no items of Chair's urgent business.

68. **Appeal Cases**

The Committee was advised that there had been no appeal cases processed since the previous Taxi Licensing Committee.

69. **Hackney Carriage and Private Hire Licence Fees**

Rachael Hind (Licensing Service Manager) presented the report on the Hackney Carriage and Private Hire Licence Fees which highlighted the following key areas –

- (a) a review of the current fees had been undertaken to balance the two trading accounts and ensure there was no cross-subsidy of any of the five elements;

- (b) at the Taxi Licensing Committee on 8 January 2020, the Committee approved the advertisement of the proposed fees with a period for responses of 14 days; the advertisement was published in the Herald on Monday 13 January 2020; all taxi drivers, vehicle proprietors and operators were written to and provided with a copy of the fees notice and were given until 3 February 2020 to make objections;
- (c) 14 objections had been received within the consultation period regarding the fees increase;
- (d) the main objections raised were -
- object to the increase which were higher than inflation: the fees had been reviewed and the increases were necessary to meet the actual costs incurred;
 - why cannot the private hire operators fees be increased to help the hackney carriage trade: the private hire and hackney carriage accounts were completely separate; each fee must reflect the actual costs incurred and there cannot be any cross-subsidy;
 - the drivers should not have to pay for court cases that were lost by the Council: the costs incurred with dealing with court cases were for either prosecutions or for appeals against Committee decisions, where a driver's licence had been revoked or suspended; the cost of the service needed to be met and must therefore be allocated to the two trades;

all drivers were able to appeal to the Magistrate's Court against a Committee decision to suspend or revoke their licence; if a driver appealed then the Council must defend its case; the Council had been found, by the Magistrate's Court, on all its cases to have made the correct decision and if any costs were granted by the Court, they were returned to the trade account;

the Court must follow its guidelines on awarding costs; as these appeals were more civil in nature than criminal, the Court looked at the reasonableness of the action taken by the losing party; it also had to take account of someone's ability to pay; in prosecutions, it was different as the defendants have not had to pay any court fees and there was an element of punishment that came into the penalties imposed which could include costs;

- request to see the full accounts: the Council was prepared to make the accounts available, upon request and to answer questions on what expenditure had been included in the taxi accounts;
- (e) Hackney Carriage account: the predicted income and expenditure for the year had been reviewed and to ensure the reserve accounts were in surplus by 2023/24; an 8% increase was required for the Hackney Carriage Vehicle fee and a 15% increase was required for the Hackney Carriage Drivers' licence fees in 2020/21;
- (f) Private Hire account: the predicted income and expenditure for the year had been reviewed; the reserve accounts were currently in surplus, however to ensure the reserves and the accounts remained balanced, an 8% increase was required for the Private Hire Vehicle licence fee and a 12% increase was required for the Private Hire driver's licence fee.

there was no proposed increase for the operator's fee; however, a five year option had been included for Operators who may wish to apply for a five year licence.

- (g) this was the second year of a five year process to ensure the Hackney Carriage driver and vehicle accounts were out of deficit by the end of the financial year 2020/24 (subject to further increases in subsequent years) and the Private Hire driver, vehicle and operator accounts all remained in a surplus position;
- (h) the impact of the fee changes would be reviewed annually and any necessary alterations would be approved (as set out in the Council's scheme of delegation).

The Chair gave an opportunity for Mr Hamilton (Trade Representative) to put forward comments regarding the proposed increases to the fees. Mr Hamilton -

- (i) requested that a one-off payment was made to the taxi trade accounts from the General Fund which would negate the need for the two trades to re-coup costs through licence fees;
- (j) stated that Plymouth City Council should not undertake benchmarking of fees with other local authorities, as each city had its own unique issues;

- (k) advised that due to an historical court case, a significant debt had been incurred which had impacted the taxi trade accounts; this had resulted in significant increases to licence fees;
- (l) stated that the number of staff in the Licensing department should be reduced, in order to cut costs.

Councillor Rennie sought legal advice relating to (k) above. The meeting adjourned to consider this advice.

Upon reconvening, the Legal Adviser advised that -

- (m) the Counsel who attended the case had taken instructions from Plymouth City Council; a decision had been taken that no member of staff from Plymouth City Council would travel to London, so as not to increase the cost to the trade account;
- (n) the Hackney Carriage trade actively supported this case during litigation; Plymouth City Council won the case and the costs attributed to it were recovered over a five year period (by 2013);
- (o) the 2020/21 fee review was not linked to the legal fees that had been accrued between 2005 and 2011.

The key areas of questions from the Committee related to –

- (p) whether Hackney Carriage drivers registered in South Hams could operate in Plymouth;
- (q) the number of plates that had been handed back during 2019/20;
- (r) concerns that the taxi trade would be unable to cope with the anticipated increase in visitors to the city for Mayflower 400;
- (s) the weekly breakdown of the proposed increase in fees for both Hackney Carriage and Private Hire;
- (t) what 'weight' should the Committee give to the objections received, given that the number of responses had been low;
- (u) how many new drivers had joined the trade during 2019/20.

The Committee agreed the recommended fee structure as advertised (and as set in the Fees Table in appendix I).

(Recorded Vote: six in favour and one against (Councillor Mrs Bridgeman)

(Ann Gillbanks (Legal Adviser) left the room following this item and took no further part in the remainder of the meeting).

70. **Exempt Information**

Agreed that under Section 200(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.

71. **Confidential Minutes**

The Committee agreed that the minutes of the meeting held on 23 January 2020 were confirmed as a correct record.

(Sharon Day (Legal Adviser) was present for the remainder of the meeting).

72. **Review Status of Hackney Carriage Driver's Licence**

The Committee -

- (a) considered and took into account the report from the Director of Public Health;
- (b) heard from the applicant;
- (c) heard from the Licensing Officer.

Agreed that attendance on the course was important to ensure that all drivers were appropriately trained, as the taxi trade were ambassadors in the city and needed to provide a positive and professional image on the street; as the driver had not attended the course, this indicated a reluctance to work with the licensing authority which was relevant under the licensing objective Prevention of Crime and Disorder and Protection of Consumers.

As a result of the above, the Hackney Carriage Driver's licence would be suspended for one day in accordance with Section 19(1)(b) of the Plymouth City Council Act 1975; the driver was still required to attend the ambassadors course and must attend the course set for 20 March 2020; if he did not attend, then he would be required to attend the April 2020 Taxi Licensing Committee for his licence to be further reviewed.

(Note: there is a confidential part to this minute)

73. Review Status of Private Hire Driver's Licence

The Committee –

- (a) considered and took into account the report and appendices from the Director of Public Health;
- (b) heard from the applicant;
- (c) heard from the Licensing Officer.

Agreed that attendance on the course was important to ensure that all drivers were appropriately trained as the taxi trade were ambassadors in the city and the needed to provide a positive and professional image on the street; as the driver had not attended the course this indicated a reluctance to work with the licensing authority which was relevant under the licensing objective Prevention of Crime and Disorder and Protection of Consumers.

As a result of the above, the Private Hire Driver's licence would be suspended for three days in accordance with section 19(1)(b) of the Plymouth City Council Act 1975; the driver was still required to attend the ambassadors course and must attend the course set for the 20 March 2020; if he did not attend the he would be required to attend the April 2020 Taxi Licensing Committee for his licence to be further reviewed.

(Note: there is a confidential part to this minute)

74. Application for the Grant of a Private Hire Vehicle Driver Licence

The Committee -

- (a) considered and took into account the report and appendices from the Director of Public Health;
- (b) heard from the applicant;
- (c) heard from the applicant's character witness.

The Committee agreed that the application for a Private Hire Driver's licence would be granted subject to the applicant completing the ambassadors course within the first 12 months of being granted the licence.

(Councillor Mrs Pengelly declared a personal interest and left the meeting for this item only.)

(Note: there is a confidential part to this minute)

75. **Review Status of Private Hire Driver's Licence**

The Committee -

- (a) considered and took into account the report and appendices from the Director of Public Health;
- (b) heard from the Licensing Officer;
- (c) heard from the driver.

The Committee had -

- (d) considered the review on its own merits;
- (e) considered that the concerns raised were relevant under the Council's licensing objectives of Safety and Health of Drivers and the Public, Vehicle Safety, Comfort and Access and Prevention of Crime and Disorder and Protection of Consumers.

Members of the Committee had asked themselves the question, set out in the Council's Policy, as to whether they would allow someone they cared about to get into a vehicle driven by this individual, and the answer was no.

The Committee was satisfied that this driver no longer remained a fit and proper person to hold a Private Hire driver's licence and agreed to revoke the licence, in accordance with section 19(1)(b) of the Plymouth City Council Act 1975.

(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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