



**Oversight and Governance**

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

Please ask for Democratic Advisor  
T 01752 305155  
E [democraticsupport@plymouth.gov.uk](mailto:democraticsupport@plymouth.gov.uk)  
[www.plymouth.gov.uk/democracy](http://www.plymouth.gov.uk/democracy)  
Published 17/11/21

## TAXI LICENSING COMMITTEE

Thursday 25 November 2021  
10.00 am  
Council House

**Members:**

Councillor Singh, Chair  
Councillor Salmon, Vice Chair  
Councillors Mrs Aspinall, Corvid, Derrick, Jordan, Partridge and Tuffin.

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 - 10)**

To confirm the minutes of the meeting held on 21 and 28 October 2021.

**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 11 - 18)**

To confirm the confidential minutes of the meeting held on 21 October 2021.

**8. Application for the Grant of a Private Hire Vehicle Operator Licence (Pages 19 - 38)**

The Director for Public Health will submit a report on the Application for the Grant of a Private Hire Vehicle Operator Licence.

**9. Review Status of Hackney Carriage Vehicle Driver Licence (Pages 39 - 56)**

The Director for Public Health will submit a report on the Review Status of a Hackney Carriage Vehicle Driver Licence.

**10. Initial Application Request for a Private Hire Vehicle Driver Licence (Pages 57 - 64)**

The Director for Public Health will submit a report on the Initial Application Request for a Private Hire Vehicle Driver Licence.

**Lunch**

**11. Review Status of Hackney Carriage Driver and Vehicle Licence (Pages 65 - 80)**

The Director for Public Health will submit a report on the Review Status of a Hackney Carriage Driver and Vehicle Licence.

**12. Review Status of Private Hire Vehicle Driver Licence (Pages 81 - 92)**

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

**13. Application for a Private Hire Vehicle Driver Licence (Pages 93 - 106)**

The Director for Public Health will submit a report on the Application for a Private Hire Vehicle Driver Licence.

This page is intentionally left blank

## **Taxi Licensing Committee**

**Thursday 21 October 2021**

### **PRESENT:**

Councillor Singh, in the Chair.

Councillor Salmon, Vice Chair.

Councillors Mrs Aspinall, Corvid, Derrick, Jordan, Partridge and Tuffin.

Also in attendance: Mark Small (Civil Enforcement Officer), Sharon Day (Lawyer), Ian Wills (Lawyer) and Helen Rickman (Democratic Advisor).

The meeting started at 10.00 am and finished at 4.05 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.*

### 27. **Declarations of Interest**

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

### 28. **Minutes**

The minutes of 2 September 2021 were agreed as an accurate record of the meeting.

### 29. **Chair's Urgent Business**

Councillor Derrick asked whether it would be possible to delegate decision making to act outside of policy to the Chair, Vice Chair and lead opposition member, in relation to the acceptance of applications without a certificate of good conduct in exceptional circumstances where potential applicants had a substantial period residing in the UK. The committee was advised that officers would consider the proposal and provide advice at a further committee.

### 30. **Appeal Cases**

The committee noted that there had been no new appeal cases since the last meeting.

### 31. **Exempt Information**

Agreed that 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.

32. **Confidential Minutes**

The confidential minutes of the meeting held on 2 September 2021 were agreed as an accurate record of the meeting.

33. **Initial Application Request for a Private Hire Vehicle Driver Licence**

The committee having:

- (a) considered the report from the Director of Public Health;
- (b) heard from the applicant;
- (c) taken the following into account:
  - the information contained in the report including all law and policy;
  - all that was said by the applicant;

Agreed to act outside of the Council's policy and accept the application without a certificate of good conduct due to the substantial length of time the applicant had resided in the country.

34. **Initial Application Request for a Private Hire Vehicle Driver Licence**

The committee having:

- (a) considered the report from the Director of Public Health;
- (b) heard from the applicant;
- (c) taken the following into account:
  - the information contained in the report including all law and policy;
  - all that was said by the applicant;

Agreed to act outside of the Council's policy and accept the application without a certificate of good conduct due to the substantial length of time the applicant had resided in the country.

35. **Initial Application Request for a Private Hire Vehicle Driver Licence**

The committee having:

- (a) considered the report from the Director of Public Health;
- (b) heard from the applicant;

(c) taken the following into account:

- the information contained in the report including all law and policy
- all that was said by the applicant.

Agreed to act outside of the Council's policy and accept the application without a certificate of good conduct due to the substantial length of time the applicant had resided in the country.

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

The committee having:

- (a) considered the report from the Director of Public Health;
- (b) heard from the applicant;
- (c) taken the following into account:
  - the information contained in the report including all law and policy;
  - all that was said by the applicant;
- (d) disregarded the following information:
  - family situation;
  - the merits of the conviction.

Agreed that they were satisfied that the taxi driver was a fit and proper person and would therefore grant the application for a private hire vehicle driver licence subject to the taxi driver successfully completing the following within the first 12 months of being licensed:

- VRQ or equivalent in transporting passengers by taxi and private hire
- Plymouth Ambassador course

In making this decision the committee had considered both the statutory guidance and the Council's policy and were satisfied that the taxi driver was fit and proper to hold a licence and would therefore act outside of the statutory guidance.

37. **Review Status of Private Hire Driver Licence**

The committee having:

- (a) considered the report from the Director of Public Health;
- (b) heard from the Licensing Officer that since the report had been prepared he had been informed of a further complaint against the taxi driver;

- (c) heard from the taxi driver;
- (d) taken the following into account:
- the information contained in the report including all law and policy;
  - the information provided by the Licensing Officer regarding the new complaint against the taxi driver;
  - the statements and complaints mentioned in the report. It was noted that they were hearsay however, due to the number and similarity in the details in the complaints the committee felt that they were accurate and could be relied upon;
  - the code of conduct relevant to the new complaint;
  - all that was said by the taxi driver;
- (e) had the following concerns which are relevant to the Council's licensing objectives of Safety and health of drivers and the public, Prevention of crime and disorder and protection of consumers, Protection of children and other vulnerable persons from harm:
- licensed drivers provide key front line transport services in the City and should be ambassadors for promoting the good image of Plymouth. The Council has adopted a code of conduct in respect of the behaviour of drivers. Part of that Code is the expectation that all drivers will be polite and courteous to all passengers, behave in a professional, civil, orderly and responsible manner at all times and behave in a manner that is in keeping with that expected of a professional driver. Based on complaints received it was clear that the taxi driver did not come up to the expected standard.

Agreed that the Committee's overriding consideration is the protection of the public when determining if a person is a fit and proper to hold or retain a licence. In reaching their decision, the committee have considered the totality of the complaints made against the taxi driver having in their minds the need for passenger safety and maintaining confidence in the licensed trade. In light of the above, the committee asked itself the Button question as set out on page 9 of the report and the answer to that question, for all the concerns set out above, was no. Therefore, the taxi driver's private hire driver's licence was revoked under s. 19(1)(b) of the Plymouth City Council Act 1975.

## Taxi Licensing Committee

Thursday 28 October 2021

### PRESENT:

Councillor Singh, in the Chair.

Councillor Salmon, Vice Chair.

Councillors Mrs Aspinall, Corvid, Derrick, Jordan, Partridge and Tuffin.

Also in attendance: Ann Gillbanks (Senior Lawyer), Steve Forshaw (Senior Enforcement Officer), Graham Hooper (Senior Officer Intelligence and Licensing), Helen Prendergast (Democratic Support Officer) and Ian Wills (Lawyer).

The meeting started at 10.00 am and finished at 12.35 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. **Declarations of Interest**

There were no declarations of interests made by Councillors, in accordance with the code of conduct.

#### 2. **Chair's Urgent Business**

There were no items of Chair's urgent business.

#### 3. **Appeal Cases**

The Committee noted that there had been no new appeal cases since the last meeting.

#### 4. **Review of Taxi Table of Fares (Taxi Tariff)**

The Committee having considered –

- (a) the report from the Director of Public Health;
- (b) heard representations from interested parties from the taxi trade and the PLTA which included the following main points -
  - that the Mid Devon tariff detailed in the table within the report was incorrect and as such this reference should be removed; whilst confirmation of the tariff was awaited, it was known that this had increased twice since 2010;

- that it was standard practice across the country to charge for entry in to MOD establishments (the charge to enter the Portsmouth dockyard was £1);
- with regard to the impromptu bank holidays, it was highlighted that it was illegal for drivers to work on these holidays, if the meters had not been updated;
- it was a significant change to the fares (tariffs) having the same running mile rate in the day and evening, although this was standard practice in the majority of other taxi areas;
- with regard to the soiling charge, it was difficult for taxi drivers to receive the charge from customers and often this was pursued through the small claims court; with the proposed change to up to £100, the court would have the ability to award up to this limit;
- an offer was extended to all Committee members to experience how the meter worked on a short journey; this would give members a better understanding of this matter; (both the Chair and Councillor Corvid had already taken up this offer);
- raised concerns that the annual review of the formula for the tariffs would result in the mile not properly aligning (as it currently did), if an algorithm was used and urged for human intervention in this process;
- requested that the tariffs were proof read, prior to printing and distribution, as in 2017 there had been an error and these had to be re-distributed;
- the proposals outlined in the report were supported by the PLTA;
- it was important that the cost of operating a taxi was properly reflected in the tariffs (£58k had been spent on a new electric taxi);
- that the fares (tariffs) had not had an uplift since 2017 and that it was hoped that these increases would attract more drivers back into the taxi trade, as it had been severely impacted due to the Covid pandemic;
- it was considered that the increase in the Plymouth Railway Station charge to 50p would encourage drivers to operate in this area (as taxi drivers were required to pay a substantial monthly operating fee);
- it was also considered reasonable for the increase in the charge to 50p to enter the dockyard (private hire vehicles charged £2); this compensated drivers for their time in completing documentation, watching a HSE video, undergoing other checks and the amount of mileage spent driving without a passenger in the vehicle;

- it was hoped that the increase of the soiling charge from £50 to £100 would deter people's anti-social behaviour;
- the annual review of the tariffs was also supported;
- it was important for the taxi trade to use a recommended petrol supplier and either of the stations put forward (Outland Road or Wolseley Road) were supported;
- the PLTA would be keen to work with the Council to 'clean up' the trade and encourage members of the public using this service to be more respectful of the drivers and their vehicles.

The Committee raised the following key areas which included –

- (c) the Mid Devon tariff had been amended a few weeks ago (which had been agreed at a Committee on 6 October 2021);
- (d) raised concerns that the adoption of a policy and associated formula for setting future taxi fares (tariffs) in the city should not rely on an algorithm and should be undertaken in consultation with the Chair, Vice Chair, the lead opposition member and be submitted to the Committee for consideration;
- (e) raised concerns that the Equality Impact Assessment was miss-leading, as whilst it stated that 100% of vehicles were wheelchair accessible, a number of vehicles may not be able to operate, as a result of drivers holding an exemption certificate;
- (f) sought clarification as to the number of current drivers with exemption certificates; (it was noted that currently 20% of drivers held an exemption certificate, although this number fluctuated);
- (g) queried whether the Equality Impact Assessment should refer to the Social Inclusion Unit (as this department no longer existed);
- (h) requested that for ease of reference future tariff reports showed the increases in percentages;
- (i) it was considered that the tariff increases would help to attract new drivers into the trade, whilst also supporting it, as currently it was under a lot of financial pressure (such as the cost of new vehicles and licences);
- (j) welcomed the collaboration between the Council officers, the trade and PLTA in relation to this exercise;
- (k) sought clarification on the process and the timeline for adopting the new fares (tariffs);
- (l) sought clarification as to whether a definition of soiling could be put on the website

(the wording to be agreed with the trade); it was considered that this may help cases that went to the small claims court;

- (m) whether there was a process in place for monitoring the faith of taxi drivers;
- (n) considered that a number of issues raised at this meeting (including encouraging drivers back to the trade, the impact of the number of drivers with a wheelchair exemption certificates) should be raised with the relevant Cabinet Member.

The Committee agreed that the –

- (1) amended tariff table (submitted at the Committee meeting) was substituted for the original table in the report; the changes were as follows (highlighted in yellow) –

‘there is a **no** proposal to increase the price per mile (running mile) across the three tariffs.’

Journey	Tariff 1		Tariff 2		Tariff 3	
	Current	Proposed	Current	Proposed	Current	Proposed
1 mile	4.80	5.10	5.30	5.90	9.60	10.20
2 miles	6.30	6.90	6.80	8.00	12.60	13.80
3 miles	7.80	8.70	8.30	9.80	15.60	17.40
5 miles	10.80	12.30	11.10	14.30	21.60	24.60
10 miles	18.30	21.30	18.80	24.80	36.60	42.60

‘in terms of the national context, as at October 2021, Plymouth at ~~£6.00~~ **£6.30** is ranked ~~182~~ **119** out of the 363 local authorities, which regulate taxi fares (Source Private Hire and Taxi Monthly’.

- (2) amended Mid Devon figures were substituted for the original table in the report; the changes were as follows (highlighted in yellow) -

Local Authority – Tariff 1	1 mile	2 mile	5 miles	10 miles
Mid Devon D. C.	4.50	6.00	10.50	18.00
	<b>4.54</b>	<b>6.74</b>	<b>13.56</b>	<b>25.00</b>

- (3) Equality Impact Assessment is amended to include a statement ‘that whilst 100% of vehicles were wheelchair accessible, some vehicles may not be able to operate, as a result of drivers holding exemption certificates and there may be an impact on the client group’; (this change was made to the part of the assessment based upon the representation heard during the meeting that approximately 20% of the current drivers held exemption certificates);
- (4) references to the Social Inclusion Unit were removed from the Equality Impact Assessment.

The Committee agreed the following (recommendations from the report) –

- (5) to approve the proposed tariff structure in the Taxi Table of Fares, as set out in Appendix 2, subject to the following amendments to the Extra Charges -
- increase the Fuel Surcharge amount from £1.40 to £1.50;
  - to change the designated fuel station from Exeter Street to Outland Road, Esso Station;
  - increase the soiling charge from £50 to £100 and to change the wording to read 'for any soiling of vehicle, inside or out *up to*';
  - increase the entrance to MOD establishments booking fee, or from Plymouth Railway Station (subject to permit) from 40p to 50p;
  - include a new extra charge 'in the event of an extra public holiday being announced within the life of this tariff, the tariff stands with an additional charge to be added to the meter for each hiring on the new bank holiday of 50p;
- (6) to authorise the advertising of the tariff, as set out in Appendix 2 of the report (as amended above), as required by the Plymouth City Council Act, 1975 and to allow the tariff to come into effect four weeks after the period allowed for objections should no objections be received;
- (7) the change of wording in recommendation 3 as follows -
- 'approve the Officers undertaking the exploration, development and adoption of a policy and associated method in consultation with trade representatives for setting future taxi fares (tariff), in Plymouth.

Members acknowledged that any future fares (tariffs) increase would be brought before the Committee for approval prior to consultation.

#### 5. **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.

#### 6. **Review Status of Hackney Carriage Vehicle Driver Licence**

The Committee was advised that the driver would not be in attendance at this hearing.

The Licensing Officer provided a summary to the Committee, that the driver was unable to attend the hearing due to pre-arranged commitments.

The Committee agreed to adjourn the review to 25 November 2021. The Committee directed the Licensing Officer to write to the driver outlining that he was required to attend the review and specify that failure to attend may result in the review proceeding in his absence.

The following relates to exempt or confidential matters (Para(s) 1, 3 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, 3 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, 3 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, 3 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, 3 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, 3 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, 3 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