



Oversight and Governance

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Taxi Licensing Committee

Thursday 16 December 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.

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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 - 4)

To confirm the minutes of the meeting held on 25 November 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 5 - 16)

To confirm the confidential minutes of the meeting held on 25 November 2021.

8. Initial Application Request for a Private Hire Vehicle Driver's Licence (Pages 17 - 24)

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

9. Initial Application Request for a Private Hire Vehicle Driver's Licence (Pages 25 - 32)

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

10. Initial Application Request for a Private Hire Vehicle Driver Licence (Pages 33 - 40)

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

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Taxi Licensing Committee

Thursday 25 November 2021

PRESENT:

Councillor Singh, in the Chair.

Councillor Salmon, Vice Chair.

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

Also in attendance: Sharon Day (Lawyer), Steve Forshaw (Senior Enforcement Officer), Rachael Hind (Licensing Service Manager), Helen Prendergast (Democratic Advisor), Helen Rickman (Democratic Advisor) and Ian Wills (Lawyer).

The meeting started at 10.00 am and finished at 6.15 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.

44. **Declarations of Interest**

There were not declarations of interest made by Councillors in accordance with the code of conduct.

45. **Minutes**

The Committee agreed that the minutes of the meetings held on 21 October and 28 October 2021 were confirmed as a correct record.

46. **Chair's Urgent Business**

There were no items of Chair's urgent business.

47. **Appeal Cases**

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

48. **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

49. **Confidential Minutes**

The Committee agreed that the confidential minutes of the meeting held on 21 October 2021 were confirmed as a correct record.

50. Application for the Grant of a Private Hire Vehicle Operator Licence

The Committee -

- (a) considered the report from the Director for Public Health;
- (b) heard from the applicant;
- (c) took into account -
 - all facts, law and policy as detailed in the report;
 - all that the applicant said.

The Committee agreed that they were satisfied that the applicant was a fit and proper person to hold the Private Hire Operator's Licence and therefore the application would be granted in accordance with S. 13(1) of the Plymouth City Council Act 1975.

They would allow the applicant to use the company name specified in the application as it was the applicant's intention to use a mixed fleet. Additionally, the Committee did not believe that there would be any confusion for members of the public, if this name was used even on a Private Hire vehicle because those vehicles are clearly marked as being for advanced bookings only and so there was no risk that anyone would think the vehicle was available for immediate hire.

(Please note: there is a confidential minute regarding this item).

51. Review Status of Hackney Carriage Vehicle Driver Licence

At the start of the hearing the Committee considered the driver's request that the hearing take place in public rather than being heard in private, with the press and public excluded.

The Committee agreed that taking all of the relevant issues into account, the public interest in maintaining the exemption outweighed the public interest in hearing the matter in public.

The Committee -

- (a) considered the report from the Director for Public Health and as requested by the applicant re-read Appendix B and C of the same report;
- (b) heard from the Licensing Officer;
- (c) heard from the driver;
- (d) took into account -
 - all the facts, law and policy referred to in the report and in

particular that the Council's policy was clear that the Code of Conduct would be taken into consideration when determining if a person was fit and proper person to hold or retain a licence;

- all that was said by the driver.

The Committee agreed the driver's Hackney Carriage driver's licence would be suspended for a period of five days in accordance with Section 19(1)(b) of the Plymouth City Council Act 1975.

(Councillor Partridge did not participate in the decision making for this review).

(Please note: there is a confidential minute regarding this item).

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

The applicant wrote to the licencing officer requesting the hearing was adjourned because he was moving home on 25 November 2021.

The Committee granted the adjournment to 16 December 2021.

(Councillors Jordan and Tuffin did not participate in the decision making for this item)

53. **Review Status of Hackney Carriage Driver and Vehicle Licence**

The Committee having:

- (a) considered the report from the Director of Public Health;
- (b) heard from the driver;
- (c) taken the following into account:

- all the facts, law and policy referred to in the report (save that which his referred to below) and in particular that the Council's Hackney Carriage and Private Hire Licencing Policy 2018 clearly refers to the objective in respect of the safety of passengers and the vehicle safety. Breaches of the objectives would be taken into consideration when determining if a person was a fit and proper person to hold or retain a licence;
- all that was said by the driver.

The Committee agreed that the driver's Hackney Carriage Licence would be suspended for a period of seven days in accordance with S19(1)(b) Plymouth City Council Act 1975.

(Councillor Tuffin did not participate in the decision making for this item).

(Please note: there is a confidential minute regarding this item).

54. Review Status of Private Hire Vehicle Driver Licence

The Committee -

- (a) considered the report from the Director for Public Health;
- (b) heard from the driver;
- (c) took into account -
 - all facts, law and policy as detailed in the report;
 - all that the driver said.

The Committee agreed that the driver's Private Hire Licence is suspended in accordance with S19 (1)(b) Plymouth City Council Act 1975 for seven days. Further the driver must notify Plymouth City Council Licensing Department that he has booked himself on the Citibus Drivers Course (with particular emphasis on speeding and careless driving) and pass the course within six months. Failure to pass the Drivers course within six months would result in the licence being reviewed by the committee.

(Councillors Tuffin and Jordan did not participate in the decision making for this item).

(Please note: there is a confidential minute regarding this item).

55. Application for a Private Hire Vehicle Driver Licence

The Committee –

- (a) considered the report from the Director for Public Health;
- (b) heard from the applicant;
- (c) took into account -
 - all facts, law and policy as detailed in the report;
 - all that the driver said.

The Committee agreed to grant the applicant a Private Hire Vehicle Driving Licence on condition that he satisfactorily completes the Safeguarding Workshop and Ambassador's course.

(Councillors Tuffin and Jordan did not participate in the decision making for this item).

(Please note: there is a confidential minute regarding this item).

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.

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