

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.