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Licensing Committee (Hackney Carriage)

Thursday 3 December 2009

PRESENT:

Councillor Mrs Dolan, in the Chair.

Councillor Drean, Vice Chair.

Councillors Delbridge, Rennie, Bowie, Mrs Nicholson and Reynolds.

Apology for absence: Councillor Thompson

The meeting started at 10.00 am and finished at 5.15 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.

91. DECLARATIONS OF INTEREST

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

92. MINUTES

Resolved that the minutes of the meeting held on 5 November 2009 are confirmed as a correct record.

93. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

94. APPEAL CASES

The committee was informed that one appeal had been lost at the Magistrates Court but no costs had been awarded against the Council.

95. REQUEST FOR DELEGATED AUTHORITY TO GRANT SHORT TERM DRIVER LICENCES TO COMPLETE TRAINING QUALIFICATION

The Director for Community Services submitted a report requesting delegated authority to grant short term driver licences to complete the training qualification, which outlined –

- (i) the significant number of changes made to the Hackney Carriage and Private Hire Vehicle Licensing Policy which was implemented on 1 November 2008, which included the requirement for all new drivers to pass a Level 2 VRQ qualification or equivalent within 12 months of issue of their probationary licence;
- (ii) where a driver is unable to complete the qualification within the 12 month period, officers were seeking interim permission to have regard to the individual circumstances to renew a driver licence for the short period of time to enable the driver to satisfactorily complete the practical part of the training course.

In response to questions raised by the committee, the following responses were provided –

- (iii) further funding had been secured to cover a limited number of courses;
- (iv) the facility to pay for the courses by installments would be at the discretion of the company running the courses, UK Skills.

Resolved that delegated authority is granted to the licensing officers in consultation with the Chair, to renew private hire and hackney carriage driver licences for a reasonable period of time, to allow the individual to specifically complete a 'transporting passengers by taxi and private hire' training qualification, that satisfies the requirements of the Hackney Carriage and Private Hire Vehicle Licensing Policy.

96. **LICENSED DRIVER REVIEW OF LICENCE STATUS - G JONES**

The Committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from Mr G Jones;
- (iii) heard from Mr Jones' legal representative and Mr Wheeler;
- (iv) heard details of Mr Jones' driving convictions –
 - three speeding offences;
 - a failure to comply with a traffic sign, resulting in 12 penalty points being received;
- (v) taken into account that –
 - all the offences had been committed within the probationary period of being granted a private hire driver's licence;
 - Mr Jones had previously worked in the retail business but this had not been a driving job;
 - the offences had arisen as a result of Mr Jones not being used to driving a powerful car and that he had now taken measures to address this by driving a MPV which appeared to have addressed the problem; Mr Jones started to drive this vehicle in January 2009 and had not committed any further speeding offences since that time;
 - Mr Jones held a regular contract to transport special needs children;
- (vi) Members were concerned that –
 - Mr Jones demonstrated a reoccurring problem with speed awareness and on his own admission he stated he would have a problem driving some vehicles;
 - on Mr Jones own admission he stated that he would be happy to undertake any course to rectify this problem;
 - in light of the above, Mr Jones' driving ability was called into question and this in turn raised questions of his fitness to continue as a private hire driver.

Resolved that Mr Jones is directed to complete within 12 months of 3 December 2009 the VRQ or equivalent qualification, in accordance with Chapter 4, paragraph 10.2 of the Council's Licensing Policy.

NB: following the reading of the committee's decision, it came to light that, since the offences Mr Jones had undertaken the NVQ qualification and therefore Members were satisfied that this addressed their concerns and that Mr Jones was not required to re-take the qualification.

97. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS FOLLOWING MOTORING DISQUALIFICATION - S E Munnery**

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard details from Mr Munnery, as follows –
 - he had accrued 15 points on his licence in three years;
 - nine points had been accrued since obtaining his private hire driver's licence;
 - all the offences had been for speeding and on one occasion he was sure he had a fare on board;
 - on each occasion he had been doing 10mph over the speed limit;
 - he considered himself to be a safe driver and that he had never in the years he had been driving had an accident that was his fault;
 - when driving he was careful not to speed when he had passengers on board or when in the vicinity of schools;
 - he did not consider the speeding offences made him an unsafe driver as he preferred to watch the road and not the speedometer and this was shown by the fact that he had not hit anyone; he also considered that 10mph over the speed limit was not a great deal over and was not reckless driving;
 - he had felt relieved that the committee had not taken his licence in February 2009 and considered that he had attempted to watch his speed but had inadvertently failed; in his opinion, he considered that speed limits were imposed to obtain money for the government and it was arguable that they were a safety factor;
- (iii) taken into account that both the court and the committee had previously given him a chance but he had gone on to commit a further speeding offence;
- (iv) Members were concerned with Mr Munnery's off hand attitude to his speeding offences.

Resolved that in light of Mr Munnery's persistent pattern of speeding offences which were relevant offences under the terms of the Council's Licensing Policy, he was no longer a fit and proper person to hold a private hire driver's licence and therefore his licence would be revoked, as he was considered to be a risk to public safety under the licensing objectives.

98. **LICENSED DRIVER REVIEW OF LICENCE STATUS - J L WARNER**

The committee having –

- (i) considered the report of the Director for Community Services;

- (ii) heard details from Mr Warner of the offences and the complaint;
- (iii) Members were concerned as to whether Mr Warner was a fit and proper person to hold a hackney carriage licence.

Resolved that in accordance with Chapter 4, paragraph 10.2 of the Council's Licensing Policy that Mr Warner is required to take the VRQ qualification or equivalent qualification within 12 months and that a warning is placed on his file which may be brought to the committee's attention in the future.

99. **EXEMPT INFORMATION**

To consider passing a resolution under Section 100A (4) of the Local Government Act, 1972 to exclude the press and 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) 3 and 7 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

100. **CONFIDENTIAL MINUTES**

Resolved that the minutes of the meeting held on 5 November 2009 are signed as a correct record.

101. **APPLICATION FOR THE GRANT OF A RESTRICTED PRIVATE HIRE DRIVER'S LICENCE AND A PRIVATE HIRE OPERATOR'S LICENCE - AU (E3 AND E7)**

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from AU.

Resolved that the restricted private hire driver's licence is granted subject to the completion of the VRQ qualification or equivalent qualification within 12 months and the private hire operator's licence is also granted.

102. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - PAF (E3 AND E7)**

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard details from PAF;
- (iii) heard details of PAF's convictions.

Resolved that the application is refused as PAF was not a fit and proper person to hold a private hire driver's licence.

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

103. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - KJ (E3 AND E7)**

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from KJ.

Resolved that the private hire driver's licence is granted subject to the completion of the VRQ qualification or equivalent qualification within 12 months.