

Licensing Committee (Hackney Carriage)

Thursday 11 February 2010

PRESENT:

Councillor Mrs Dolan, in the Chair.
Councillor Drear, Vice Chair.
Councillors Bowie, Delbridge, Mrs Nicholson and Rennie.

Apologies for absence: Councillor Reynolds

The meeting started at 10.00 am and finished at 5.50 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.

116. DECLARATIONS OF INTEREST

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

117. MINUTES

Resolved that the minutes of the meeting held on 14 January 2010 are confirmed as a correct record.

118. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

119. APPEAL CASES

The Committee was informed that there was a magistrate's court hearing listed on 15 March 2010 to hear an appeal against the revocation of a private hire driver's licence.

120. PRESENTATION OF TAXI ENFORCEMENT STATISTICS REPORT

The Senior Environmental Health Officer (Licensing) presented an Enforcement Activity Report for 2009. Members of the Committee were informed that –

- (i) the report, a local policy report, was the first of its kind and was prepared to give the Committee an insight into the work undertaken by the Licensing Service during 2009;
- (ii) the statistics presented in the report demonstrated that enforcement activities were an effective tool in ensuring the safety of the public, drivers and vehicles;
- (iii) Licensing Officers were keen to employ an even-handed approach to all sides of the taxi trade;
- (iv) Licensing Officers have been working closely with other agencies such as the traffic and neighbourhood police and the civil enforcement team to mitigate the effects of over ranking and nuisance.

The Committee were also informed that –

- (v) rank reviews on the Barbican and Mutley Plain would commence this year;
- (vi) it was planned to create approximately 15 extra hackney carriage rank

spaces across the city;

- (vii) a rank in the vicinity of the rear entrance to Marks and Spencer was considered in a recent review; however, as there was no material change to previous applications, which had been rejected on road safety grounds, this proposal was not pursued. Licensing Officers would endeavour to explore the need for a rank in this area with all relevant agencies including local groups in due course;
- (viii) events such as the UK Skills presentation of driver training certificates, held at the Guildhall, need to be better advertised by the organisers to assist with better attendance.

The Senior Environmental Health Officer (Licensing) was thanked for his attendance and the informative report presented.

121. LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENCE STATUS - D SOWDEN

The Committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from Mr Sowden;
- (iii) taken into account Mr Sowden's –
 - explanation as to why he had not completed the VRQ training;
 - statement that he had taken steps to commence VRQ training;
- (iv) heard confirmation from the Licensing Officer of Mr Sowden's placement on a VRQ course.

Resolved that, Members find that Mr Sowden remains a fit and proper person to hold a Hackney Carriage drivers licence and that no action would be taken against Mr Sowden's licence today.

Members do, however, require Mr Sowden to confirm his completion of the level 2 VRQ in Transporting Passengers by Taxi and Private Hire or Equivalent within 12 months from the beginning of the renewal of his licence on 18 January 2010. Failure to do so may result in Mr Sowden being brought back before the committee at a future date.

122. LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - S KENDALL

The Committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from Mr Kendall;
- (iii) heard from Mr Kendall's representative;
- (iv) heard details of faults found on Mr Kendall's vehicles on two occasions;
- (v) taken into account that –
 - Mr Kendall claimed that he now took steps to inspect his vehicle prior to each use;

- Mr Kendall's manager also stated that he inspected the vehicle prior to Mr Kendall commencing his shift;
- the vehicle probation notices imposed previously had already led to a three day loss of income in addition to a fixed penalty fine of 60 pounds and three penalty points issued by the police.

Members expressed concerns that –

- (vi) Mr Kendall was unable to give clear answers to many of their questions;
- (vii) the long hours that Mr Kendall's representative stated that he worked could contribute to the lack of time that was spent on monitoring the safe condition of his vehicle, which could impact on public safety;
- (viii) the two incidents occurred within four months of each other and took place within Mr Kendall's first year of being licensed as a taxi driver. These serious incidents demonstrate a disregard for vehicle and therefore, public safety.

Resolved that due to concerns for public safety, to suspend Mr Kendall's vehicle licence in accordance with section 18 (1) Plymouth City Council 1975 until his vehicle has undergone a full MOT and proof of the MOT has been produced to the Licensing Office.

In view of the three days that his license has already effectively been suspended, Members decided not to order any further suspension period subject to 19 (1) (b) Plymouth City Council Act 1975, however, Mr Kendall's probationary period as a taxi driver would be extended for a further 12 months.

123. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - K KAWKA**

The Committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from Mr Kawka;
- (iii) heard details of faults found on Mr Kawka's vehicles on five occasions;
- (iv) taken into account –
 - a vehicle prohibition notice imposed previously led to a nominal loss of income as the defect was remedied that same day;
 - that the vehicle Mr Kawka was currently driving was the subject of only one of the five failed inspections listed in the report and its MOT was very imminent;
 - that the vehicle Mr Kawka was currently driving had now been repaired to the satisfaction of the Licensing Officer;
 - the latest offence was considered to be the least serious of Mr Kawka's five offences.

Members expressed concerns that –

- (v) by Mr Kawka's own admission he had accumulated six points on his licence by speeding on two occasions;
- (vi) his answers to questions put to him by members regarding these incidents

indicated a casual attitude towards speed limits and therefore, the rules of the road;

- (vii) vehicles driven by Mr Kawka had failed their inspections on five occasions between August 2007 and December 2009;
- (viii) as Mr Kawka claimed to be trained in mechanics, members felt that he should be particularly aware of possible vehicle defects and the importance of driving a safe vehicle.

Resolved not to suspend or revoke Mr Kawka's vehicle licence in accordance with section 18 (1) Plymouth City Council Act 1975. The suspension of Mr Kawka's private hire drivers license, in accordance with section (19) Plymouth City Council Act 1975, was considered but was not imposed due to his personal circumstances, however, Members had serious concerns about the apparent disregard for public safety displayed by Mr Kawka and, therefore, have decided to have recourse to the Plymouth City Council's Hackney Carriage and Private Hire Vehicle Licensing Policy which states that the Licensing Committee (Hackney Carriage) shall have the discretion to direct a driver appearing before them to complete further training or re-training should the drivers suitability to retain a license be called into question and direct that he be required to complete the Level 2 VRQ in transporting passengers by taxi or private hire or equivalent within 12 months.

This qualification is to be completed within 12 months of this decision date being 11 February 2010. Failure to complete the qualification within this period will result in Mr Kawka being brought before the committee at a future date.

124. **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.

125. **LICENSED HACKNEY CARRIAGE DRIVER APPLICATION FOR EXEMPTION - RH**

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from RH;
- (iii) heard from RH's representative;
- (iv) considered a letter from RH's general practitioner.

Resolved that the application for a lifetime medical exemption is granted.

126. **LICENSED HACKNEY CARRIAGE DRIVER APPLICATION FOR EXEMPTION - GW**

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from the Licensing officer of GW's absence;
- (iii) heard details of a letter sent from GW asking for the committee to hear the application in his absence.

Resolved that GW's application for exemption will be adjourned and not considered until GW is available to attend the next available committee.

127. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - MT**

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from MT;
- (iii) considered a letter from Skills UK.

Resolved that the application for the grant of a private hire driver's licence is granted.

(Councillor Mrs Nicholson left the meeting at the conclusion of this item).

128. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - PB**

The Committee having –

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

Resolved that the application for a private hire driver's licence is granted subject to the completion of the three prerequisite tests and the level 2 VRQ in transporting passengers by taxi and private hire or equivalent within 12 months from the date of being first licenced.

(Councillor Bowie left the meeting at the conclusion of this item).

129. **LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENSE STATUS MK**

The Committee having –

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

After commencing the hearing it quickly became evident that MK required legal representation in order for a fair hearing to take place.

Resolved that in the interest of natural justice to adjourn MK's hearing until the next committee date. If MK does not elect to attend with a legal representative on that date the committee hearing will take place in any event.