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Licensing Committee (Hackney Carriage)

Thursday 15 April 2010

PRESENT:

Councillor Mrs Dolan, in the Chair.
Councillor Drean, Vice Chair.
Councillors Bowie, Delbridge, Mrs Nicholson and Reynolds

Apologies for absence: Councillor Rennie

The meeting started at 10.00 am and finished at 3.00 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.

146. DECLARATIONS OF INTEREST

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

147. MINUTES

Resolved that the minutes of the meetings held on 11 and 18 March 2010 are confirmed as a correct record.

148. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

149. APPEAL CASES

The Committee was informed that the council successfully opposed the appeal against the revocation of a private hire driver's licence heard at the magistrate's court on 15 March 2010. The applicant had now lodged an appeal to the Crown Court.

150. LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - J LISKA

The Committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from Mr Liska;
- (iii) heard details of Mr Liska's driving conviction;
- (iv) taken into account that Mr Liska;
 - stated he was unaware that non payment of premiums would invalidate his insurance;
 - was not driving in his capacity as a taxi driver at the time of the offence;
 - prior to this offence he had a clean driving record.

However, Members were concerned that as Mr Liska was a private hire driver he should adhere to the rules of the road at all times. He breached the terms of his private hire drivers licence by not informing

the licensing department of his conviction in writing with the requisite 7 days. He did not contact them until 4 January 2010 some 6 weeks later.

The decision of the Committee is that Members consider that as Mr Liska was a licensed private hire driver he should have regard to the rules of the road at all times and that it was irresponsible to be driving without insurance.

In addition he breached the conditions of his private hire driver's licence by not informing the licensing department of his conviction by the appropriate time. However, they accepted his explanation that he was unaware that the policy had been invalidated and therefore resolved that it was proportionate to suspend Mr Liska's private hire driver's licence for three days.

151. **LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENCE STATUS - J C TREGEA**

The Committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from Mr Tregea;
- (iii) heard details of Mr Tregea's criminal convictions and history of breaches of laws and regulations;
- (iv) taken into account that Mr Tregea stated;
 - he currently had a clean driving licence;
 - that he did not hear the request from the lady travelling with the ill child;
 - that some of the reported incidents did not take place;
 - he had renewed efforts to control his smoking addiction.

However, Members were concerned that Plymouth City Council's taxi policy aimed to provide safe regulated transport and recognised both the needs of residents and visitors for safe, healthy, convenient and effective taxi transport.

Mr Tregea had a history of alleged and proven disregard for the health, safety and comfort of his customers. Since June 2006 he had received four letters of complaint from the public, a warning letter, two fixed penalty notices and a conviction in respect of his continual smoking in his hackney carriage, refusing to take wheelchair bound passengers to their destination and poor customer service.

The decision of the Committee is therefore that Members have considered Mr Tregea's version of the events which had led to his attendance at the committee.

The objectives of the hackney carriage and private hire vehicle licensing policy include the safety and health of drivers and the public and also vehicle safety, comfort and access. Mr Tregea's history of alleged and proven offences and poor customer care, breaches the laws relating to the use of licensed vehicles and in respect of his repeated smoking in his cab breaks the law on each occasion.

It was resolved to revoke Mr Tregea's licence finding him no longer a fit and proper person to hold a hackney carriage drivers licence.

152. **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 items of business on the grounds that

they involve the likely disclosure of exempt information as defined in paragraphs 3 and 7 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

153. LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - AP (E3 AND E7)

The Committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from the Licensing Officer;
 - that AP had not attended the committee hearing and no notification regarding his absence had been received;
 - that a letter requesting AP's attendance was sent to him on 1 April 2010 and further efforts had also been made to contact AP all of which had been unsuccessful;

Resolved to send a further request via recorded delivery to ensure AP's attendance at the next available committee so that they could question him in respect of his offences in order to reach an informed decision.

154. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - CS (E3 AND E7)

The Committee having –

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

Resolved that the application to grant a private hire driver's licence be granted subject to the completion of Level 2 VRQ in Transporting Passengers by Taxi and Private Hire or equivalent qualification within 12 months from the date of first being licensed.

155. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - RJP (E3 AND E7)

The Committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from RJP;
- (iii) heard details of RJP's convictions;
- (iv) heard from RJP's prospective employer;

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

156. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - CT (E3 AND E7)

The committee having –

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

- (iv) heard from CT's husband.

Resolved that the restricted private hire driver's licence is granted subject to the completion of the pre-requisite tests and the completion of Level 2 VRQ in Transporting Passengers by Taxi and Private Hire or equivalent qualification within 12 months of being licensed.

157. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - AC (E3 AND E7)**

Due to AC's non attendance at Committee members have resolved that his application be held on file until such time as he contacts the licensing department.

158. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - TO (E3 AND E7)**

The Committee having –

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