

Licensing Committee (Hackney Carriage)

Thursday 8 July 2010

PRESENT:

Councillor Fox, in the Chair.
Councillor Delbridge, Vice Chair.
Councillors Bowie, Drean, Haydon and Rennie.

Apology for absence: Councillor Reynolds.

Also in attendance: Andrea Gilbert – Lawyer, Mark Small - Senior Licensing Officer

The meeting started at 10.00 am and finished at 4.45 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.

19. DECLARATIONS OF INTEREST

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

20. MINUTES

Agreed that the minutes of the meeting held on 10 June 2010 are confirmed as a correct record.

21. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

22. APPEAL CASES

The committee was informed that a recent appeal had been unsuccessful.

23. EXEMPT INFORMATION

Agreed that under Section 100(A)(2) and (4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of confidential/exempt information as defined in paragraph 4 of Part 1 Schedule 12A of the (Local Government Access to Information) Act 1985, as amended by the Freedom of Information Act 2000.

24. CONFIDENTIAL MINUTES

Agreed that the minutes of the meeting held on 10 June 2010 are confirmed as a correct record.

25. **LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENSE STATUS - RD**

The committee having heard from RD

Agreed that this matter is adjourned until the next committee meeting in August 2010 and RD informed that if he attended that committee without legal representation, then the matter would proceed on that date in any event.

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

26. **LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENSE STATUS - TKS**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from TKS;
- (c) heard details of TKS's conviction.

Agreed that the committee invoke its powers under the Plymouth City Council Act, 1975 and deem TKS to be no longer a fit and proper person and revoke his licence accordingly.

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

27. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - ZM**

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from ZM.

Agreed that the application is granted subject to completing the remaining pre-requisite test which is the medical; ZM is also required to complete Level 2 VRQ in Transporting Passengers by Taxi and Private Hire or equivalent qualification within 12 months from the date of being first licensed to comply with Plymouth City Council's Hackney and Private Hire Licensing policy.

28. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - SV**

The committee having –

Resolved that –

- (a) considered the report of the Director for Community Services;
- (b) heard from SV.

Agreed that the application is granted subject to completing the remaining pre-requisite test which are the knowledge, driving and medical. SV is also required to complete Level 2 VRQ in Transporting Passengers by Taxi and Private Hire or equivalent qualification within 12 months from the date of being first licensed to comply with Plymouth City Council's Hackney and Private Hire Vehicle Licensing policy.

29. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - RL**

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from RL.

Agreed that the application is granted subject to the completion of the Level 2 VRQ in Transporting Passengers by Taxi and Private Hire or equivalent qualification within 12 months from the date of being first licensed to comply with Plymouth City Council's Hackney and Private Hire Vehicle Licensing policy.

(Note: the meeting moved back into Part I)

COMMITTEE MOVED INTO PART I

30. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - M KOHAJDA**

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from Mr Kohajda;
- (c) heard details of Mr Kohajda's motoring convictions;
- (d) taken into account –
 - the two speeding offences that were committed while Mr Kohajda was not working in his capacity as a Private Hire driver and he had now left his other job, in order to concentrate on becoming a better taxi driver;
- (e) Members were concerned that –
 - two of the motoring offences were committed during the

probationary first year of Mr Kohajda being granted a Private Hire driver's licence;

- Mr Kohajda had accumulated 11 points in less than two years of working as a Private Hire driver;
- none of the fixed penalties or convictions were declared to the Licensing Department as required by the conditions of Mr Kohajda's Private Hire Driver's licence.

It was Agreed that -

Mr Kohajda's conviction and fixed penalty fines all related to motoring offences and had been acquired since the commencement of his employment as a Private Hire Driver.

The offences showed a disregard for the rules of the road. Members were concerned that this reflected Mr Kohajda's attitude towards public safety and therefore require Mr Kohajda to complete the level 2 VRQ in transporting passengers by taxi and private hire or equivalent qualification within 12 months in respect of those offences.

Not reporting the convictions indicated a disregard for the conditions of Mr Kohajda's licence and in respect of these breaches, Members considered it to be reasonable and proportionate to suspend your licence for two days.

If the qualification is not completed within the required period Mr Kohajda will be brought back before the committee at that time.

31. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - I BANCIU**

The committee having –

- (a) considered the report of the Director for Corporate Support;
- (b) heard from Mr Banciu;
- (c) heard details of Mr Banciu motoring convictions;
- (d) taken into account that -
 - since Mr Banciu received the two convictions, he had achieved a Level 2 Btec in Transporting Passengers by Taxi and Private Hire, which he took under his own volition;
 - no further offences had been committed since May 2009;
 - Mr Banciu stated that he was not fully aware of the conditions attached to his Private Hire Drivers Licence.

(e) Members were concerned that –

- the first offence of using a mobile telephone whilst driving a motor vehicle was committed within 12 months of Mr Banciu being licensed as a Private Hire driver;
- Mr Banciu had accumulated nine points in less than two years of working as a Private Hire driver;
- none of these fixed penalties or convictions were declared to the Licensing Department as required by the conditions of his Private Hire driver's licence;
- as a Private Hire driver licensed by Plymouth City Council he should be fully aware of all the conditions attached to his licence.

It was therefore Agreed that -

Mr Banciu's conviction and fixed penalty fines related to the motoring offences and had been acquired since the commencement of his employment as a Private Hire driver.

The offences showed a disregard for the rules of the road and Members were concerned that this reflected his attitude towards public safety. Therefore Mr Banciu's Private Hire Driver's licence would be suspended for one day in respect of these motoring offences under the powers contained within the Plymouth City Council Act 1975...

Not reporting the convictions indicated a disregard for the conditions of Mr Banciu's Private Hire Drivers Licence and in respect of these breaches, Members considered it reasonable and proportionate to suspend Mr Banciu's licence for a period of 5 days.

Mr Banciu's private hire driver's licence would therefore be suspended for a total of 6 days in respect of the motoring offences and breach of conditions.