

Licensing Committee (Hackney Carriage)

Thursday 3 February 2011

PRESENT:

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

Apologies for absence: Councillor Fox

Also in attendance: Sharon Day (Lawyer), James Hirst (Assistant Licensing Officer), Mark Small (Senior Licensing Officer) and Andy Netherton (Principal Environmental Health Officer)

The meeting started at 10.00am and finished at 3.40pm.

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.

113. DECLARATIONS OF INTEREST

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

114. MINUTES

Agreed that the minutes of the meeting held on 6 January 2011 are confirmed as a correct record.

115. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

116. APPEAL CASES

The committee was advised that there had been no new appeal cases since the last committee meeting.

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

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Kendal;
- (c) heard from Mr Kendal's employer;

(d) taken into account that –

- Mr Kendall had appeared before the committee approximately twelve months ago following two failed vehicle inspections for dangerously defective tyres and had his probationary period extended for a further twelve months and had his vehicle licence suspended until the vehicle had been MOT'd;
- on the 6 November 2010 Mr Kendall again failed a vehicle inspection with dangerously defective tyres and was issued with a stop notice;
- Mr Kendall was no longer the proprietor of the vehicle but was still the licensed driver of the vehicle;
- Mr Kendall had committed no offences in the last six months;
- Mr Kendall apologised for what had happened and confirmed he had taken the VRQ;
- Mr Kendall's employer assured the committee that they would be checking the tyres of their drivers' vehicles weekly;

(e) the committee were concerned that –

- within the last fifteen months Mr Kendall had been picked up for five defective tyres. This demonstrated a lack of regard for passengers and for public safety within his probationary period;
- Mr Kendall had been given a chance by the committee previously but had still failed to maintain his vehicle correctly;
- despite the assurances given by the operator, the driver was responsible for checking the safety of their vehicle and there was no guarantee that Mr Kendall would remain with this operator.

Agreed that having taken into account all of the above the committee did not consider that Mr Kendall was a fit and proper person to retain his Private Hire Driver Licence as vehicle safety is of vital importance in protecting the public and due to his lack of regard for the same he raised concerns for public safety and therefore his licence is revoked.

118. **EXEMPT INFORMATION**

Agreed that under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public are 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 3 and 7 of Part 1 Schedule 12A of the (Local Government Access to Information) Act 1985, as amended by the Freedom of Information Act 2000.

119. **CONFIDENTIAL MINUTES (E3 AND E7)**

Agreed that the confidential minutes of the meeting held on 6 January 2011 are confirmed as a correct record.

120. **LICENSED HACKNEY CARRIAGE DRIVER APPLICATION FOR EXEMPTION - GRC (E3 AND E7)**

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from GRC;
- (c) considered an assessment of GRC's condition made by his General Practitioner.

Agreed that the application for a lifetime medical exemption certificate from assisting and carrying wheelchair users in his Hackney Carriage be granted.

121. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - CBS (E3 AND E7)**

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from CBS;
- (c) heard CBS's explanation of his offence;
- (d) taken into account all that was said.

Agreed that in light of the information contained within the report and CBS' own admissions the committee considered that CBS was no longer a fit and proper person to retain a private hire drivers licence due to concerns for public safety and a lack of commitment to work with the Police and Licensing Authority which are relevant considerations under the Council's licensing objectives. CBS' private hire driver's licence is therefore revoked.

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

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

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from MJWL;
- (c) taken into account all that was said.

Agreed the application for a Private Hire Driver's Licence is granted and that MJWL is required to complete the medical examination before obtaining his licence and also the VRQ, or equivalent driver qualification in 'Transporting Passengers by Taxi and Private Hire' within the first 12 months of being granted this licence.

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

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from AJL;
- (c) taken into account all that was said.

Agreed the application for a Private Hire Driver's Licence is granted and that AJL is required to complete all the prerequisites for the grant of a licence and also the VRQ, or equivalent driver qualification in 'Transporting Passengers by Taxi and Private Hire' within the first 12 months of being granted this licence.

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

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from DCH;
- (c) taken into account all that was said.

Agreed the application for a Private Hire Driver's Licence is granted and that DCH is required to complete all the prerequisites for the grant of a licence and also the VRQ, or equivalent driver qualification in 'Transporting Passengers by Taxi and Private Hire' within the first 12 months of being granted this licence.

(Councillor Drean left the meeting at the end of this item and was not present for item 125)

125. **TAXI ENFORCEMENT ACTIVITY REPORT - 2010**

Andy Netherton, the Principal Environmental Health Officer (Licensing) presented an Enforcement Activity Report for 2010. The report outlined the main policy initiatives undertaken during 2010, enforcement statistics and the work initiatives planned for 2011.

In response to questions raised it was reported that –

- (h) if any contractor was employed to undertake a survey to determine any unmet demand for taxi services, it would have to go through the usual procurement process;
- (i) although cars were now able to pick up near Marks and Spencer's, City Centre, if a request was made to implement a taxi rank there it would need to undergo an Equality Impact Assessment and a consultation which would involve the Devon and Cornwall Constabulary and Highway's department;
- (j) the Equality Act 2010 would tell authorities what percentage of their fleet must be wheelchair accessible.

Andy Netherton, the Principal Environmental Health Officer (Licensing) was thanked for his attendance.