

# **Licensing Committee (Hackney Carriage)**

**Thursday 21 April 2011**

## **PRESENT:**

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

Apologies for absence: Councillors Bowie, Drean, Fox and Reynolds.

Also in attendance: Andrea Gilbert (Lawyer) and James Hirst (Assistant Licensing Officer).

The meeting started at 10am and finished at 3.45pm.

*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.*

## **151. DECLARATIONS OF INTEREST**

In accordance with the code of conduct Councillor Haydon declared a personal interest in respect of minute 163.

## **152. MINUTES**

Agreed that the minutes of the meeting held on 31 March 2011 are confirmed as a correct record.

## **153. CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

## **154. APPEAL CASES**

The committee was advised that there had been an appeal heard at the Magistrate's Court. The Council's decision was upheld.

## **155. LICENSED PRIVATE HIRE DRIVER REVIEW OF DRIVER LICENCE STATUS - M PETRESCU**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Petrescu;
- (c) heard details of Mr Petrescu's recent fixed penalty notices;

(d) taken into account that Mr Petrescu –

- did not have a passenger on board when he committed any of the offences;
- had installed a telephone system to avoid future use of his mobile phone;
- was mindful of the risk of losing his licence should he acquire further points and was driving with greater care and attention.

The committee was concerned that –

- (e) Mr Petrescu had been working as a professional driver since June 2009;
- (f) however since that date, he had received three fixed penalty notices for traffic offences and currently held nine live penalty points on his DVLA licence;
- (g) one of the offences was committed during his probationary period as a taxi driver;
- (h) Mr Petrescu had breached the conditions of his private hire driver's licence on three occasions by not informing the licensing department of his fixed penalty notices in writing within the required seven days.

Agreed that having heard how Mr Petrescu had accrued three fixed penalty notices for traffic offences in approximately 12 months, one of which he received in his first probationary year as a driver and also that there are nine penalty points currently held on his DVLA licence; the committee considered that as Mr Petrescu was a licensed private hire driver he should have regard to the rules of the road at all times; although he did notify the licensing office of his fixed penalty notices, on no occasion was any notification made within the seven day limit required by the terms and conditions of his licence; the committee is concerned that these breaches and penalties indicated a lack of respect for the safety of the public and the terms of his licence and have decided to suspend his licence for three days.

156. **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 conditional/exempt information as defined in paragraphs 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.

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

Agreed that the minutes of the meeting held on 31 March 2011 are confirmed as a correct record.

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

The committee having –

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

Agreed that the application for a private hire driver's licence is granted subject to the satisfactory completion of any remaining pre requisite tests. In addition as with all new drivers, IRH is required to complete the VRQ qualification in 'transporting passengers by taxi and private hire' or equivalent within the first 12 months of his licence.

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

The committee having –

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

Agreed that the application for a private hire driver's licence is granted subject to the satisfactory completion of the pre requisite tests, namely the medical test, the driving test and knowledge of Plymouth test. In addition as with all new drivers, DJB is required to complete the VRQ qualification in 'transporting passengers by taxi and private hire' or equivalent within the first 12 months of his licence.

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

The committee having –

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

Agreed that the committee have elected to follow its own policy guidelines and refuse LAO's application for a private hire driver's licence, as they do not consider LAO to be a fit and proper person.

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

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

The committee having –

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

Agreed that PRRC is required to resit his driving standards test and his private hire driver's licence is suspended for two days.

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

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

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from the licensing officer that LP was not present but a letter had been received advising that he would be unable to attend.

Agreed that a letter is hand delivered to LP inviting him to attend the next hearing; the letter to include a warning that if LP fails to attend then the matter may be considered in his absence.

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

The committee having –

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

Agreed that –

- (1) DG is directed to complete the Level 2 VRQ qualification in 'transporting passengers by taxi and private hire' or equivalent within the next 12 months and attend the licensing department when this has been attained; should this qualification not be completed by April 2012 DG will be brought back before the committee and all sanctions against his licence will be considered;

- (2) a medical report is required to be provided to the licensing department dated no earlier than 1 December 2011;
- (3) DG's licence is suspended for two days, these days will be taken as arranged with the licensing office on the occasion of the return of his licence.

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

(Councillor Haydon declared a personal interest in this matter).