

Licensing Committee (Hackney Carriage)

Thursday 7 July 2011

PRESENT:

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

Also in attendance: Andrea Gilbert (Lawyer), George Curness (Assistant Licensing Officer).

The meeting started at 10.00 am and finished at 4.15 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.

15. **DECLARATIONS OF INTEREST**

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

16. **MINUTES**

Agreed that the minutes of the meeting held on 9 June 2011 are confirmed as a correct record.

17. **CHAIR'S URGENT BUSINESS**

George Curness, Assistant Licensing Officer informed the Committee that Councillor Reynolds, Chair had signed a delegated decision for the grant of a private hire operator's licence.

18. **APPEAL CASES**

The committee was informed there were two pending appeal cases. One against the revocation of a Hackney Carriage driver's licence to be heard by the Magistrates Court on 12 July 2011 and one against the refusal to grant a Private Hire Driver's Licence to be heard by the Magistrates Court on 18 July 2011.

19. **LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENCE STATUS - DJEDE**

The committee having –

- (a) heard from the Licensing Officer that Mr Ede had not attended the committee hearing for a second time and no notification regarding his absence had been provided.

- (b) heard that Licensing Officers hand delivered a letter requesting Mr Ede's attendance at today's hearing.

Members agreed that they were unable to make a proportionate and informed decision without Mr Ede's presence at Committee to answer questions they wished to put to him.

Members are concerned for public safety and have therefore elected to suspend Mr Ede's licence until he contacts the Licensing Department to confirm his attendance at the Committee which is due to be heard in 4 August 2011. Once confirmation is received the suspension will be lifted. If Mr Ede does not attend at the 4 August 2011 Committee hearing, all possible sanctions against his licence will be considered.

(Mr Ede was advised to attend the Committee at 10am but arrived at 4.00pm. He was advised of the Members' decision and Mr Ede signed to say that he would attend at the Committee on 4 August 2011 and the suspension was duly lifted).

20. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - S R HYLAND**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Hyland;
- (c) heard details of Mr Hyland's endorsements for speeding;
- (d) taken into account that Mr Hyland –
- gave open and honest answers to questions put to him by members;
 - had now completed his VRQ in Transporting Passengers by Taxi and Private Hire;
 - did not have any passengers in his taxi when he committed any of the offences;
 - stated that a new system had been implemented by his employer which would alleviate time pressures;
 - advised that he was not speeding excessively.

However, Members were concerned that -

- (e) having only been granted a provisional private hire driver's licence in May 2010, he then proceeded to speed on 8 July 2010, 3 November 2010 and 11 December 2010;

- (f) all three of these offences were committed during the probationary period of his licence;
- (g) he accrued a total of nine penalty points in five months;
- (h) these offences were committed while he was acting in his capacity as a taxi driver;
- (i) he breached the conditions of his private hire driver's licence by not informing the Licensing Department of any of these offences in writing within the required seven days.

The Committee agreed that -

Mr Hyland's attitude towards controlling his speed and apparent disregard for the rules of the road as illustrated by the nine penalty points which he has accrued in only five months raises serious concerns for public safety which is a relevant consideration under the Council's licensing objective of safety and health of drivers and the public.

The Hackney Carriage and Private Hire Driver's Licensing Policy states that motoring offences are relevant offences for considering the suitability of a person to retain a licence.

There is no record of Mr Hyland notifying the Licensing Department of any of these fixed penalty fines under the terms and conditions of his private hire driver's licence.

Mr Hyland's fitness to drive a private hire vehicle has been called into question and members have elected to suspend his licence for two days in respect of the speeding offences and a further three days in respect of the failure to report any of the endorsements.

In addition, Members require Mr Hyland to re-sit the driving taxi standards test within three months to address his standard of driving in accordance with paragraph 10.2 of Plymouth City Council's licensing policy.

Failure to provide the licensing department with a newly passed driving certificate by 6 October 2011 would result in Mr Hyland having to appear before this Committee and all sanctions against his licence would be considered at that time.

21. **LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENCE STATUS - M ROWE**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Rowe;
- (c) heard details of Mr Rowe's conviction for driving a vehicle without due care and attention;
- (d) heard from Mr Rowe's representative Mr Hamilton;

- (e) taken into account that –
- he was not carrying any passengers when the offences were committed;
 - he complied with the byelaws attached to his Hackney Carriage licence by notifying the Licensing Department of his conviction within seven days;
 - this was his first offence in fourteen years of driving a Hackney Carriage vehicle.

The decision of the Committee today is that -

As a professional taxi driver, Mr Rowe's conviction for driving without due care and attention raises concerns in respect of public safety and is a relevant consideration under the Council's licensing objective of safety and health of drivers and the public.

The Hackney Carriage and Private Hire Drivers Licensing Policy states that motoring offences are relevant offences for considering the suitability of a person to retain a licence.

However, Members have agreed that they will take no further action today.

22. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - V BANTA**

The Committee having –

- (a) heard from the Licensing Officer that Mr Banta had not attended the committee hearing and no notification regarding his absence had been received.

Agreed that a letter be sent to Mr Banta by recorded delivery inviting him to attend the next available hearing which contained a warning that if he did not attend the committee may hear the matter in his absence and all possible sanctions against his licence considered at that time.

23. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - R C SATURN**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Saturn;
- (c) heard details of Mr Saturn's conviction for driving a vehicle without due care and attention.;

- (d) taken into account that Mr Saturn –
- did not have a passenger in his taxi when the offence was committed;
 - did telephone the Licensing Office to report that he had been involved in an accident in August 2010;
 - stated he now completely understood his obligations to notify the Licensing Department in writing of any offences within seven days.

However, Members were concerned that –

Mr Saturn was convicted of driving without due care and attention in August 2010 when he became involved in an accident with a cyclist.

In June 2010 he appeared before the Committee in respect of another driving offence and failure to report a conviction for which his licence was suspended for a total of two days.

Despite having been before the Committee for the same breach of licence convictions on an earlier occasion, he did not comply with the terms and conditions of his private hire driver's licence by notifying the Licensing Department of his conviction in writing within seven days after committing the second offence.

The decision of the Committee today is therefore that –

As a professional taxi driver, Mr Saturn's conviction for driving without due care and attention raises concerns in respect of public safety. This is a relevant consideration under the Council's licensing objective of safety and health of drivers and the public.

His failure to contact the Licensing Department to notify them in the correct manner of his driving offences on two separate occasions indicates a lack of willingness to engage with the Licensing Department and a disregard for the terms and conditions of his licence.

The Hackney Carriage and Private Hire Drivers Licensing Policy states that motoring offences are relevant offences for considering the suitability of a person to retain a licence.

Members agreed that it is a proportionate decision to suspend his licence for a total of three days. This represents two days for not reporting the conviction to Plymouth City Council and an additional day because this is the second time he has failed to notify of an offence.

(Councillor Delbridge left the meeting at the end of this item and was not present for items 25, 26, 27 and 28)

24. **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 I Schedule 12A of the (Local Government Access to Information) Act 1985, as amended by the Freedom of Information Act 2000.

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

The committee having –

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

Agreed that in light of all of that was said LP was not considered to be a fit and proper person to hold a private hire driver's licence.

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

26. **LICENSED HACKNEY CARRIAGE DRIVER APPLICATION FOR EXEMPTION - DAC (E3 AND E7)**

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from RH;
- (iii) considered the assessment of RH's condition made by his General Practitioner.

Members have considered RH's application for a medical exemption certificate pursuant to paragraph 23.1 of Plymouth City Councils Hackney Carriage and Private Hire Vehicle Licensing Policy.

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

27. **LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENCE STATUS - NE (E3 AND E7)**

The committee having –

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

Members agreed to give NE a warning on this occasion, and that warning to lie on his file in the event of any future attendance at this Committee.

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

28. **APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - IM (E3 AND E7)**

Due to IM's non attendance at Committee, Members agreed that his application for the grant of a Hackney Carriage Driver's Licence is held on file until such time as he contacts the licensing department.