

Licensing Committee (Hackney Carriage)

Thursday 1 September 2011

PRESENT:

Councillor Delbridge, in the Chair.
Councillor Mrs Nicholson, Vice Chair.
Councillors Bowie, Churchill, McDonald and Rennie.

Apologies for absence: Councillors Haydon and Reynolds.

Also in attendance: Andrea Gilbert (Lawyer), James Hirst (Licensing Officer) and Ross Johnston (Democratic Support Officer).

The meeting started at 10am and finished at 4.45pm.

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.

43. DECLARATIONS OF INTEREST

The following declaration of interest was made in accordance with the Code of Conduct in relation to items under discussion at this meeting –

Name	Subject	Reason	Interest
Councillor Churchill	Minute 54 – Application for the Grant of a Private Hire Driver's Licence - SEM	Knew of the driver's representative.	Personal/Prejudicial

44. MINUTES

Agreed that the minutes of the meeting held on 4 August 2011 are confirmed as a correct record.

45. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

46. APPEAL CASES

The Committee was advised that there were no new appeal cases since the last meeting.

47. LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - W R PHILP

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Philp;
- (c) heard details of Mr Philp's disqualification from driving;
- (d) taken into account that Mr Philp –
 - (i) notified the Licensing Department of his conviction and disqualification within the time required by the terms and conditions of his licence;
 - (ii) was undertaking further education to improve his future opportunities and this course was financed and facilitated by his employment and hours as a taxi driver.

However, members were concerned that –

- (iii) Mr Philp had accrued a total of 12 penalty points since May 2009 through committing two speeding offences, contravening special road regulations and driving with faulty tyres;
- (iv) by his own admission some of these offences were due to his own carelessness although he had addressed and revised these attitudes and procedures;
- (v) he was now disqualified from driving for 6 months.

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

In addition the Plymouth City Council Act 1975 enables the Council to suspend, revoke or refuse to renew the licence of a driver of a Private Hire vehicle for any other reasonable cause.

Members consider that as Mr Philp was a licensed Private Hire driver he should have regard to the rules of the road at all times.

They are concerned that the disqualification and the driving offences which led to that disqualification indicate a disregard for the safety of the public and agreed to suspend Mr Philp's licence until such time that he has presented the Licensing Department with a newly passed driving standards certificate after the driving disqualification period has ended.

Once this has been received Mr Philp's Private Hire Driver's licence will be returned to him.

Members have also decided to give Mr Philp a warning, this warning to lie on his file in the event of any future attendance at this committee.

Mr Philp was also required to produce his VRQ in Transporting Passengers by Taxi and Private Hire or its equivalent to the Licensing Department within seven days. Failure to produce this certificate may result in him being called before Committee at a future date.

48. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - K S KAWKA**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Kawka;
- (c) heard details of Mr Kawka's conviction for driving without due care and attention and for driving whilst using a handheld mobile telephone;
- (d) taken into account that Mr Kawka –
 - (i) had now obtained his NVQ in Road Passenger Vehicle Driving;
 - (ii) had improved his standards of vehicle maintenance and taken steps to address his speeding history.

However, members were concerned that –

- (iii) Mr Kawka had convictions for driving without due care and attention and for driving whilst using a handheld mobile phone;
- (iv) he breached the terms and conditions of his private hire driver's licence by failing to notify the Licensing Department of his conviction within the required seven days;
- (v) he now had five penalty points on his driving licence.

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.

In addition the Plymouth City Council Act 1975 empowers the Council to suspend, revoke or refuse to renew the licence of a driver of a Private Hire vehicle for any other reasonable cause.

Members consider that as Mr Kawka was a licensed Private Hire driver he should have regard to the rules of the road at all times.

They are concerned that his convictions for driving without due care and attention and for driving using a mobile handheld telephone together with his earlier taxi driving history which includes penalty points given for speeding and vehicle and prohibition notices given for failing

to adequately maintain his vehicle demonstrate a lack of consideration for the safety of the public and lack of respect for the rules of the road.

In addition he has breached the terms and conditions of his private hire driver's licence by failing to notify the Licensing Department of his conviction in the correct manner.

This is not the first time he has failed to do so and so the Members consider that he was fully aware of the reporting obligations.

Members have therefore agreed to suspend Mr Kawka's licence for five days.

This represents two days in respect of the failure to report the offences and three days in respect of the offences themselves.

49. **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.

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

The committee having –

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

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

AGC is also required to obtain the Level 2 VRQ in Transporting Passengers by Taxi and Private Hire or equivalent within the next 12 months and attend at the Licensing Department when this has been attained.

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

51. **APPLICATION FOR THE GRANT OF A RESTRICTED PRIVATE HIRE DRIVER'S LICENCE AND A PRIVATE HIRE OPERATOR'S LICENCE - MBE (E3 AND E7)**

The committee having –

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

Agreed that the application for a restricted private hire driver's licence and a private hire operator's licence is granted.

MBE is required to complete Level II VRQ in Transporting Passengers by Taxi and Private Hire or an equivalent qualification within 12 months in line with Plymouth City Council's Hackney Carriage and Private Hire Vehicle Licensing Policy.

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

The committee having –

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

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 grade II medical test, the driving test and knowledge of Plymouth test. In addition as with all new drivers, JWS 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 in line with Plymouth City Council's Hackney Carriage and Private Hire Vehicle Licensing Policy.

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

The committee having –

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

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

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

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

The committee having –

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

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 grade II medical test, the driving test and knowledge of Plymouth test. In addition as with all new drivers, SEM 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 in line with Plymouth City Council's Hackney Carriage and Private Hire Vehicle Licensing Policy.

(Councillor Churchill, having declared a personal and prejudicial interest in respect of the above item, withdrew from the meeting.)